
I hereby give notice that a hearing by commissioners will be held on:

Date: Wednesday 21 May 2025
Time: 9.30am
Meeting room: Council Chambers
Venue: Ground Floor, Auckland Town Hall
301 Queen Street, Auckland

HEARING REPORT
PLAN CHANGE 106
FILMING ON SITES OF SIGNIFICANCE TO MANA
WHENUA
AUCKLAND COUNCIL

COMMISSIONERS

Chairperson Mark Farnsworth
Commissioners Glenn Wilcox
Vicki Morrison-Shaw

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Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- The **reporting officer** may provide a brief overview of the plan change.
- **Submitters** (for and against the plan change) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

Please note

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

A NOTIFIED PUBLIC PLAN CHANGE TO THE AUCKLAND UNITARY PLAN

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Reporting officer, Chloe Trenouth, Planner

Reporting on a proposed plan change to enable temporary filming activities, as a permitted activity, on Sites and Places of Significance to Mana Whenua that are on council-controlled public places. This will be subject to compliance with standards to protect and enhance the cultural values of these sites.

SUBMITTERS:	
Page 84	Tia Barrett
Page 87	Steep Street Film <ul style="list-style-type: none"> • Sue Marshall
Page 89	Rob Bavin
Page 91	Richard Waite
Page 93	Barry Sutherland Smith
Page 95	Advertising Producers Aotearoa <ul style="list-style-type: none"> • Kristian Eek
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Page 120	Spada Screen Producers New <ul style="list-style-type: none"> • Sandy Gildea
Page 125	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) <ul style="list-style-type: none"> • Dominic Wilson



Hearing Report for Proposed Plan Change 106: Filming on Sites and Places of Significance to Mana Whenua to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

Report to: Hearing Commissioners

Hearing Date/s: 21 May 2025

File No:

File Reference

Report Author Chloe Trenouth, Consultant Planner

Report Approvers Eryn Shields Team Leader, Regional, North, West and Islands, Planning and Resource Consents

Report produced

Plan subject to change	Auckland Unitary Plan (Operative in part), 2016
Number and name of change	Proposed Plan Change 106 – (Filming on Sites and Places of Significance to Mana Whenua) to the Auckland Unitary Plan
Status of Plan	Operative in part
Type of change	Council-initiated plan change
Committee date of approval (for adoption) for notification	08 December 2022
Parts of the Auckland Unitary Plan affected by the proposed plan change	Chapter D21
Date draft proposed plan change was sent to iwi for feedback	17 June 2024
Date of notification of the proposed plan change and whether it was publicly notified or limited notified	26 September 2024 – publicly notified
Plan development process used – collaborative, streamlined or normal	Normal
Submissions received	10
Date summary of submissions notified	21 November 2024
Number of further submissions received (numbers)	Zero
Legal Effect at Notification	No
Main issues or topics emerging from all submissions	<ul style="list-style-type: none"> • Support from screen industry • Opposition unless amendments are made • Application to Tūpuna Maunga administered land

Summary of Proposed Plan Change 106: The purpose of the proposed plan change is to enable temporary filming activities on Sites and Places of Significance that are public places to be a permitted activity. Permitted standards are proposed to protect and enhance the cultural values of scheduled Sites and Places of Significance to Mana Whenua.

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Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PC106	Proposed Plan Change 106
RMA	Resource Management Act 1991
AUP	Auckland Unitary Plan
Council	Auckland Council
CVA	Cultural Values Assessment
SSMW	Sites and Places of Significance to Mana Whenua
s32 report	Section 32 Evaluation Report
The Bylaw	Te Ture ā-Rohe Tauhokohoko Whakahaerenga me te Tango Kiriata Tūmatanui 2022 Public Trading, Events and Filming Bylaw 2022

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Attachment 3	Relevant Policy Analysis
Attachment 4	Local Board Feedback
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Attachment 6	Recommendations on submissions
Attachment 7	Recommended amendments to plan change

Executive Summary

1. Proposed Plan Change 106 (**PC106**) to the Auckland Unitary Plan (Operative in Part) (**AUP**) seeks to remove the requirement for a resource consent by identifying temporary filming activities as a permitted activity on Sites and Places of Significance to Mana Whenua (**SSMW**) that are public places.
2. A permitted standard is proposed that requires no land disturbance and for filming to be undertaken in accordance with a site plan. Filming will also need to be in compliance with any special conditions approved under an Auckland Council Film Permit required under the Te Ture ā-Rohe Tauhokohoko Whakahaerenga me te Tango Kiriata Tūmatanui 2022 Public Trading, Events and Filming Bylaw 2022.
3. The plan change process set out in Part 2 of Schedule 1 of the Resource Management Act 1991 (**RMA**) was adhered to in developing PC106.
4. PC106 was publicly notified on 26 September 2024 and closed for submissions on 24 October 2024. The summary of submissions was notified on 21 November 2024 and closed for further submissions on 5 December 2024.
5. Ten submissions were received. One late submission was received, and no further submissions were received.
6. This hearing report has been prepared in accordance with section 42A of the RMA. It forms part of council's ongoing obligations under Section 32 to consider the appropriateness of the proposed provisions, the benefits and costs of any policies, rules or other methods, and the consideration of issues raised in submissions on PC106.
7. This report considers the issues raised by submissions on PC106. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, and those persons or organisations that lodged submissions on PC106. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
8. In accordance with the evaluation in this report, I consider that the provisions proposed by PC106 are the most appropriate way of achieving the objectives of the AUP and the purpose of the RMA.
9. It is recommended that PC106 be approved with modification for the reasons set out in section 12 of this report.

1. Purpose of the proposed plan change

10. The purpose of the plan change is to remove the requirement for a resource consent by identifying temporary filming activities as a permitted activity. Filming activities will need to comply with a new standard (D21.6.4). Filming activities will still require a Film Permit in accordance with Te Ture ā-Rohe Tauhokohoko Whakahaerenga me te Tango Kiriata Tūmatanui 2022 Public Trading, Events and Filming Bylaw 2022 (**the Bylaw**).

2. Background

11. SSMW are sites and places protected under the AUP by identification in Schedule 12: Sites and Places of Significance to Mana Whenua Overlay and mapped as an overlay.
12. Currently 105 SSMW are included in Schedule 12 of the AUP. Additional SSMW are anticipated to be added to the schedule over time in response to the Council's Māori Cultural Heritage Programme through future plan changes. An additional 7 sites are currently proposed through Proposed Plan Change 102 (notified 23 May 2024).
13. In council-controlled public places, the requirement for resource consent on SSMW duplicates the film permit process required under the Bylaw. Tātaki Auckland Unlimited and the screen industry have identified that requiring resource consents for temporary filming activities on SSMW is a significant barrier to filming due to the additional compliance costs and uncertain timeframes affecting the desirability of Tāmaki Makaurau for some filming activities.
14. Most filming activities can work within the permitted activity parameters under the relevant rules of AUP, including temporary activities, noise, lighting, traffic generation, parking, and earthworks. However, all filming on SSMW triggers resource consent as a restricted discretionary activity in accordance with Rule D21.4.1(A3) as a temporary activity.
15. Before the AUP, the legacy district plans contained limited planning controls for filming activities or temporary activities on SSMW. Where provisions existed, they generally focused on potential adverse effects from land disturbance and consultation requirements.
16. The issue of temporary activities on SSMW previously arose through the hearings process on the Proposed AUP, through the submission by the Independent Māori Statutory Board at that time. The planning evidence of Phillip Mitchell on behalf of the Board identified that *"there are numerous Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW."*¹ Mr Mitchell went on to identify that what was needed is for the landowners and occupiers of land within SSMW to put together a set of protocols/conditions in consultation with Mana Whenua on how temporary activities should be undertaken. Identifying all temporary activities on SSMW as a restricted discretionary activity in the AUP ensured that potential adverse effects would be appropriately managed by considering the effects on values and associations of mana whenua with the SSMW. This approach was intended to be a simple response applying to all temporary activities. However, it does not recognise that filming activities in public places require a film permit that can address adverse effects on the values and associations of Mana Whenua with SSMW.
17. The AUP provides a stronger policy and rule framework around SSMW and the protection of Mana Whenua values and associations with their sites. This reflects the requirements of Section 6(e) of the RMA to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as a matter

¹ Evidence of Philip Mitchell on behalf of the Independent Māori Statutory Board to the Proposed Auckland Unitary Plan, Topic 037, May 2015, paragraph 5.25.

of national importance; Section 7(a) having particular regard to kaitiakitanga, and Section 8 having regard to the principles of the Treaty of Waitangi.

3. Existing Plan Provisions

18. Filming activities come under the definition of ‘temporary activity’ in the Chapter J Definitions of the AUP:

Temporary activity

An activity that:

- *is outside the normal expected use of a site (or area within the coastal marine area); and*
- *has a start and end date and time.*

Includes:

- *filming activities at temporary locations and activities accessory to that filming activity;*
-

19. Filming activities are primarily managed as an Auckland-wide provision in Chapter E40 Temporary Activities. Filming is identified as a specific temporary activity that can occur for up to and including 30 consecutive days as a permitted activity under Rule E40.4.1(A15). Filming activities that are more than 30 consecutive days are a restricted discretionary activity.
20. Chapter D21 of the AUP establishes the policy framework and rules for managing activities on SSMW, and includes Rule D21.4.1(A3) Temporary Activities with an activity status of restricted discretionary. Where permitted activities are identified in Table D21.4.1, there is a corresponding permitted activity standard that defines the parameters within which that permitted activity can occur, and if these are breached or exceeded, then a resource consent is required as a restricted discretionary activity.
21. Restricted discretionary activities in Chapter D21 are assessed in terms of the matters of discretion in D21.8.1:

- (1) the effects of the proposal on the values and associations of Mana Whenua with the site or place, including effects on the context of the local history and whakapapa.*
- (2) the nature, location, design and extent of the proposal.*
- (3) the purpose and necessity for the works and any alternatives considered.*
- (4) the provisions of any relevant iwi planning document.*

22. Assessment criteria require restricted discretionary activities to be assessed against Policies D21.3(1), (2), and (3), which set out a hierarchy of management requirements that:
- physical destruction of SSMW in whole or in part during earthworks be avoided;
 - significant adverse effects on the values and associations of Mana Whenua with SSMW be avoided; and
 - adverse effects that cannot be practicably avoided, be remedied or mitigated.

4. Proposed Plan Change Provisions

23. PC106 amends Chapter D21 Sites and Places of Significance to Mana Whenua by inserting new plan provisions to identify temporary filming on public places as a permitted activity in accordance with permitted standards.
24. Amendments to Chapter D21 identify temporary filming activities (up to 30 days) on SSMW that are public places as a permitted activity. A permitted standard is proposed to be inserted that requires filming to be no more than 30 days, involves no land disturbance, and that it is undertaken in accordance with a site plan and in compliance with any special conditions approved under the Auckland Council Film Permit. Chapter D21 with proposed amendments is provided in Attachment 1. The proposed permitted standard is set out below.

D21.6.4 Temporary activities for filming in public places for up to 30 days

(1) Any temporary activity for filming in a public place must:

- (a) be no more than 30 days;
- (b) not involve any land disturbance;
- (c) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to:
 - i. confirm that Mana Whenua have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site;
 - ii. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity;
 - iii. maintain access for customary activities throughout filming;
and
 - iv. apply tikanga as informed by Mana Whenua.

25. The proposed permitted standards have been developed in collaboration with iwi/hapū as detailed in the s32 report² to ensure that the tangible and intangible values of SPSMW are protected and enhanced and that significant adverse effects are avoided, including on the values and associations of iwi/hapū with the SPSMW, achieving Objective D21.2(1) and Policies D21.3(3), (8) and (11).
26. No changes are proposed to Schedule 12 or to the objectives, policies or assessment criteria within Chapter D21. No changes are proposed to any other filming-related provisions throughout the AUP.

² PC106 Section 32 Evaluation Report, paragraphs 51 – 68.

5. Hearings and decision-making considerations

27. Clause 8B of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on proposed plan changes.
28. Hearings Commissioners have been appointed and have delegated authority to make decisions on submissions on PC106 under section 34 of the RMA. Auckland Council's Combined Chief Executives' Delegation Register delegates to hearing commissioners all powers, duties and functions under the RMA. This delegation includes the authority to determine decisions on submissions on a plan change.
29. In accordance with section 42A(1), this report summarises and discusses submissions received on PC106. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also identifies what amendments can be made to address matters raised in submissions. This report makes a recommendation on whether to approve, decline, or approve with modifications PC106. Any conclusions or recommendations in this report are not binding to the Hearing Commissioners.
30. The Hearing Commissioners will consider all the information associated with the proposed plan change, including the information in this report, and the information in submissions, together with evidence presented at the hearing.
31. This s42 report has been prepared at the request of the council by Chloe Trenouth and draws on Section 32 Evaluation Report prepared for the plan change.
32. My name is Chloe Trenouth and I am a consultant planner with a Bachelor of Planning (Hons) from The University of Auckland. I have over 25 years' experience, working with local authorities and central government and as a planning consultant with public and private clients. I am currently working as a sole practitioner, and prior to this I was a Director at Hill Young Cooper Ltd for 6 years. I am a full member of the New Zealand Planning Institute and am accredited as an Independent Commissioner under the Making Good Decisions programme.
33. My experience includes policy development, contributing to the preparation of regional policy statements and district plans including plan changes, and reviewing private plan changes as the reporting planner as well as inputting to plan changes throughout the Auckland region through submissions and technical reviews. I was the lead planner for the council reporting to the Independent Hearings Panel on the Regional Policy Statement of the Proposed Auckland Unitary Plan for the Growth and Mana Whenua Chapters. I have also contributed to the development of the first Auckland Plan 2012 and subsequent reviews of the Development Strategy.
34. While this is not an Environment Court proceeding, I have read and abide by the code of conduct for expert witnesses contained within the Environment Court Practice Note 2023. Except where I state that I am relying on the specified advice of another person, the opinions expressed in this report are within the area of my expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
35. The author has prepared this report and draws on the information provided by Mana Whenua through the consultation process as experts in mātauranga Māori.

6. Statutory and policy framework

36. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.
37. PC106 seeks to introduce district plan and coastal plan level provisions into the AUP because Chapter D21 is identified as both (tagged as RP/DP). The plan change has been developed under the relevant statutory provisions of the RMA. The following sections summarise the statutory and policy framework, relevant to PC106.

6.1. Resource Management Act 1991 – Regional and district plans

Plan change matters – regional and district plans

38. In developing a proposed plan change to a regional and/ or district plan, the RMA sets out mandatory requirements in the preparation and process of the proposed plan change. Table 1 below summarises matters for plan changes to regional and district plan matters.

Table 1: Plan Change matters relevant to regional and district plans

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 32	Requirements for preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Resource Management Act 1991	Section 80	Enables a 'combined' regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a regional council and as a territorial authority
Resource Management Act 1991	Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities

39. The mandatory requirements for plan preparation are comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society v North Shore City Council*, Environment Court Auckland A078/2008, 16 July 2018 at [34] and updated in subsequent cases including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55 at [17]. When considering changes to district plans, the RMA sets out a wide range of issues to be addressed.
40. The tests are the extent to which the objective of PC106 is the most appropriate way to achieve the purpose of the RMA (s32(1)(a)) and whether the provisions:
- accord with and assist the Council in carrying out its functions (under s 31) for the purpose of giving effect to the RMA;
 - accord with Part 2 of the RMA (s 74(1)(b));
 - give effect to the AUP regional policy statement (s 75(3)(c));
 - give effect to any national policy statement (s 75(3)(a));
 - have regard to the Auckland Plan 2050 (being a strategy prepared under another Act (s 74(2)(b)(i)));

- have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s 76(3));
- are the most appropriate method for achieving the objectives of the AUP, by identifying other reasonably practicable options for achieving the objectives (s 32(1)(b)(i)); and by assessing their efficiency and effectiveness (s 32(1)(b)(ii)); and:
- identifying and assessing the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
 - i. economic growth that are anticipated to be provided or reduced (s 32(2)(a)(i)); and
 - ii. employment that are anticipated to be provided or reduced (s 32(2)(a)(ii));
- if practicable, quantifying the benefits and costs (s 32(2)(b)); and
- assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (s 32(2)(c)).

41. Under section 74(1)(e) the decision maker must also have particular regard to the section 32 evaluation report prepared in accordance with s 32 (s 74(1)(e)).

6.2. Resource Management Act 1991 – Regional Matters

42. The AUP is a 'combined plan' under section 80 of the RMA, including the regional policy statement, regional coastal plan, and regional plan.

43. Some SSMW are located in within the Coastal Marine Area (**CMA**). Any plan provision that applies to activities or natural and physical resources in the CMA is a provision of the regional coastal plan.

44. There are mandatory considerations in developing a proposed plan change to regional matters. Table 2 below summarises regional matters under the RMA, relevant to PC106.

Table 2: Plan change – regional matters under the RMA

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 30	Functions of regional councils in giving effect to the RMA
Resource Management Act 1991	Section 63	Sets out the purpose of regional plans
Resource Management Act 1991	Section 64	Sets out matters to be considered for changes to regional coastal plans
Resource Management Act 1991	Section 66	Sets out matters to be considered in (other) regional council plans
Resource Management Act 1991	Section 67	Sets out required contents of regional plans
Resource Management Act 1991	Section 68	Sets out the purpose and considerations of rules in regional plans (regional rules)
Resource Management Act 1991	Section 69	Sets out matters to be considered for rules relating to water quality
Resource Management Act 1991	Section 70	Sets out matters to be considered for rules relating to discharges

6.3. Resource Management Act 1991 – District matters

45. There are mandatory considerations in developing a proposed plan change to district plans and rules. Table 3 below summarises district plan matters under the RMA, relevant to PC106.

Table 3: Plan change – District plan matters under the RMA

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991	Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment

6.4. National Policy Statements

46. The relevant national policy statements (**NPS**) must be considered in preparing and considering submissions on PC106.
47. The New Zealand Coastal Policy Statement (**NZCPS**) is relevant because some SSMW are in the CMA. No other NPSs are relevant to the plan change.
48. Paragraph 99 of the Section 32 Report concludes that the plan change is consistent with the NZCPS for the following reasons:

Temporary filming activities would not change or impact the natural character of the coastal environment or natural features and landscape values, and would enable communities to provide for their social, economic and cultural wellbeing consistent with Objectives 2 and 6, and Policies 6 and 13 of the NZCPS.

Permitted standards in conjunction with the film permit process would ensure that tangata whenua with interests in the SPSMW affected by temporary filming activities are engaged to participate in decision-making to protect the values of sites taking into account the principles of the Treaty of Waitangi consistent with Objective 3 and Policy 2 of the NZCPS.

49. The plan change gives effect to the NZCPS.

6.5. National environmental standards or regulations

50. Under section 44A of the RMA, local authorities must observe national environmental standards in its district/ region. No rule or provision may be duplicate to or in conflict with a national environmental standard or regulation.
51. No national environmental standards or regulations are relevant to this plan change.

6.6. Auckland Unitary Plan

52. For a plan change, the relevant policy statement and plans must be considered in preparing the plan change and considering submissions. The relevant sections of the RPS and DP applicable to PC106 are provided in Attachment 3.

Table 4: Relevant regional policy statement and district provisions of the Auckland Unitary Plan

Relevant Act/Policy/Plan	Section	Matters
Auckland Unitary Plan – Regional Policy Statement	B2.7	Open space and recreation facilities
Auckland Unitary Plan – Regional Policy Statement	B6.2	Recognition of Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation
Auckland Unitary Plan – Regional Policy Statement	B6.3	Recognising Mana Whenua values
Auckland Unitary Plan – Regional Policy Statement	B6.5	Protection of Mana Whenua cultural heritage
Auckland Unitary Plan- Regional Coastal Plan / District Plan	D21	Sites and Places of Significance to Mana Whenua Overlay

53. Attachment 3 contains all the relevant AUP objectives and policies and an assessment of the plan change. A summary of the assessment is provided below.

Regional Policy Statement

54. Relevant AUP regional policy statement provisions are assessed in Table 4 of the Section 32 Report. PC106 is, in my opinion, consistent with the relevant RPS and Regional/and or District Plan provisions for the following reasons:
- use of open spaces for a variety of activities while ensuring the function of open space is maintained (Policy B2.7.2(1));
 - significant adverse effects are avoided, remedied or mitigated from use of open spaces on nearby residents and communities because filming would be limited to 30 days, and a film permit is required (Policy B2.7.2(7) and (8));
 - the plan change has been developed in collaboration with Mana Whenua to ensure ongoing protection of SSMW and provide for participation in decision-making through the film permit process (Objectives B6.2.1(1) and (2), and Policy B6.2.2(1));
 - permitted standards ensure that historical associations and any historical, cultural or spiritual values associated with the site or place are identified and respected through the film permit process (Policy B6.2.2(2));

- protections afforded through scheduling SSMW are not altered, and consultation with mana whenua is required through the film permit process, ensuring participation in decision-making to recognise and enhance the mauri, relationships and associations with SSMW (Objectives B6.3.1(1), (2) and (3), and Policies B6.3.2(2), (4) and (6));
- permitted standards ensure the tangible and intangible values of SSMW are protected and enhanced through the film permit process and participation of Mana Whenua in decision-making (Objectives B6.5.1(1), (2), (3) and (4), and Policy B6.5.2(1)); and
- no land disturbance or physical impacts to SSMW are enabled and filming will be temporary avoiding significant adverse effects, and the film permit process ensures that other adverse effects are avoided, remedied or mitigated (Policy B6.5.2(4)).

55. For the reasons outlined above, the plan change gives effect to the regional policy statement.

Regional Coastal Plan and District Plan

56. Chapter D21 is identified as a regional coastal plan (for those SSMW within the CMA) and a district plan (all other SSMW). The objectives provide for the active protection and enhancement of the tangible and intangible values of scheduled SSMW (Objective D21.2(1)); and protection from inappropriate subdivision, use and development (Objective D21.2(2)).
57. The proposed permitted standard D21.6.4 was developed in collaboration with Mana Whenua to ensure that the outcomes sought by the objectives for SSMW are achieved through the film permit process. PC106 is consistent with the policies for SSMW for the following reasons:
- No land disturbance (earthworks) is permitted, ensuring that physical destruction is avoided (Policy D21.3(1));
 - Temporary filming activities are enabled for up to 30 days and the film permit process ensures that potential significant adverse effects on the values and associations of Mana Whenua with the SSMW are avoided (Policy D21.3(2));
 - Use of the site for temporary filming activities will be managed by the film permit, that will ensure consultation with Mana Whenua, consistency with iwi planning documents, access for customary activities maintained, and tikanga is applied to avoid, remedy or mitigate adverse effects; including intangible values (Policies D21.3(3) and (8));
 - The film permit process enables Mana Whenua to identify when and where activities, such as wharepaku (toilets) and kai (food), are culturally inappropriate on or within parts of SSMW (Policy D21.3(5)); and
 - The film permit process recognises that Mana Whenua may wish to provide a cultural values assessment to identify actual and potential adverse effects and recommendations for avoiding, remedying or mitigating these (Policy D21.3(11)).
58. Filming activities that do not comply with the permitted standard will require resource consent as a restricted discretionary activity, as is currently the case. Therefore, it ensures that significant adverse effects are avoided and other adverse effects are avoided, remedied, or mitigated.
59. For the reasons outlined, the plan change is consistent with the relevant objectives and policies of the regional plan and district plan.

6.7. Other relevant legislation

60. In considering a plan change, a territorial authority must have considered any regulation that is relevant to a regional or district plan change. Regulations made under section 360 of the RMA generally deal with matters of detail or implementation, matters of a technical nature, or matters likely to require frequent alterations or updating.
61. There are currently eleven regulations made under the RMA pertaining to administrative functions, infringement offences and exemptions. None of these are relevant to these plan changes.
62. I consider the legislation in Table 5 below is relevant to this plan change because each touch upon aspects of either the protection of values or associations of Mana Whenua with SSMW including processes for managing effects.

Table 5: Other relevant legislation to PC106

Relevant Act/Policy/Plan	Section	Matters
Local Government Act 2002	Part 8	Purpose of bylaws
Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014	Section 2	The purpose of the Act
Waitakere Ranges Heritage Area Act 2008	Section 11	Objectives of the Waitakere Ranges Heritage Area Act (WRHAA)
Hauraki Gulf Marine Park Act 2000	Section 3	Purpose of the Act
Heritage New Zealand Pouhere Taonga Act 2014	Section 65(3)	Purpose of the New Zealand Heritage List / Rārangi Kōrero
Treaty Settlement Acts	Various	Treaty of Waitangi Settlement Legislation including Cultural redress (Statutory Acknowledgement Areas, co-governance / co-management)

Local Government Act 2002

63. The plan change relies on a film permit process administered under the Public Trading, Events and Filming Bylaw 2022. Therefore, the Local Government Act 2022 (LGA) is relevant. The bylaw was made under sections 145, 146 and 149 of the LGA.
64. Sections 145, 146 and 149 establish the power that territorial authorities and regional councils have to make bylaws. Relevant to the plan change, bylaws are for the purpose of:
- protecting the public from nuisance;
 - minimising the potential for offensive behaviour in public places;
 - managing, regulating against, protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with reserves, recreation grounds, or other land under the control of the territorial authority;
 - parks, reserves, recreation grounds, or other land that the regional council owns or controls; and

- managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of sites or places on land of the regional council that have cultural, historical, recreational, scientific, or other community or amenity values.

65. As outlined in section 7 of the Section 32 Evaluation Report (**s32 report**), the Bylaw enables council to prescribe conditions and requirements in relation to filming, and film permits are issued pursuant to councils plans, policies and bylaws and pending approval of relevant owners, manager and / or leaseholders:³

The Bylaw enables the Council to prescribe conditions and requirements that address the permitted standards in the AUP. Therefore, it is appropriate for the permitted standards for temporary filming on SPSMW that are council-controlled public places to be complied with through the film permit process.

66. The plan change is consistent with the LGA.

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

67. As outlined in Section 7 of the s32 report, there are currently four SSMW that are identified within areas governed by the Tūpuna Maunga Authority, which administers the 14 tūpuna maunga vested to Ngā Mana Whenua o Tāmaki Makaurau.⁴
68. Filming on Tūpuna Maunga requires a film permit that is administered by Screen Auckland, and the timeframe for processing an application is 20-25 working days. The plan change does not alter the specific requirements for filming on Tūpuna Maunga.
69. A submission by Tūpuna Maunga Authority on the plan change has raised a specific issue regarding the fact that the plan change only applies to council-controlled public places, which technically excludes areas governed by Tūpuna Maunga Authority. The submission is discussed below in Section 9, noting that it was not the intention of the plan change to require resource consents on SSMW that are governed by Tūpuna Maunga Authority. Amendments are proposed in the submission by Tūpuna Maunga Authority to clarify this. The Tūpuna Maunga Authority film permit process appropriately protects and enhances the tangible and intangible values of SSMW.
70. The plan change as amended following consideration of the submissions is consistent with the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Waitākere Ranges Heritage Area Act 2008 (WRHAA)

71. As outlined in Section 7 of the s32 report, the WRHAA is relevant because several SSMW are located within the Waitākere Ranges Heritage Area:⁵

The plan change will not remove the protection afforded to the SPSMW as heritage features in the heritage area because they will remain scheduled sites in the AUP. The permitted standards and the film permit process give effect to the purpose and objectives of the WRHAA by ensuring the participation of iwi/hapū in decision-making and the management of potential adverse effects on SPSMW. Additional permissions required for SPSMW in the Waitakere Ranges Regional Park are currently administered by Screen Auckland through the film permit process, and this will not change.

³ Section 32 Evaluation Report, page 24.

⁴ Section 32 Evaluation Report, pages 24 -25.

⁵ Section 32 Evaluation Report, pages 25 – 26.

72. The plan change is consistent with the WRHAA.

Hauraki Gulf Marine Park Act 2000

73. As outlined in Section 7 of the s32 report, the Hauraki Gulf Marine Park Act is relevant because several SSMW are located within the CMA:⁶

The plan change enables temporary filming activities which does not enable any physical changes to land or water within the Hauraki Gulf catchments. The plan change is consistent with Sections 7 and 8 of the Act because the protection of SPSMW is maintained under the AUP, and temporary filming activities will be managed through the film permit process to protect cultural values.

74. The plan change is consistent with the Hauraki Gulf Marine Park Act.

Heritage New Zealand Pouhere Taonga Act 2014

75. As outlined in Section 7 of the s32 report, the Heritage New Zealand Pouhere Taonga Act is relevant because several SSMW are included in the New Zealand Heritage List / Rārangī Kōrero:⁷

Section 75 provides for the Council to advise Heritage New Zealand Pouhere Taonga of any applications for resource consent regarding wāhi tapu entered on the New Zealand Heritage List/Rārangī Kōrero. As the plan change would remove the requirement for resource consent for temporary filming activities, Heritage New Zealand Pouhere Taonga would no longer be advised.

76. Although there would be no resource consents on SSMW to advise Heritage New Zealand of, they would be advised of any filming proposals on listed heritage sites through the film permit process. Requirements to consider effects on historic heritage are acknowledged in the Auckland Film Protocol, recognising that there are likely to be specific restrictions on their use. An archaeological authority from Heritage New Zealand may be required if the SSMW / listed site is an archaeological site. The film permit process does not override these requirements and ensures that these matters are fully addressed before any permit is issued.

Treaty Settlement Acts

77. The Ngā Mana Whenua of Tāmaki Makaurau Collective Act 2014 was specifically addressed in the s32 report because four of the tūpuna maunga administered by the Tūpuna Maunga Authority are also SSMW.⁸

78. The AUP identifies Statutory Acknowledgement Areas identified through other Treaty Settlement Legislation in Appendix 21. At the time of writing this report, Statutory Acknowledgement Areas included Appendix 21 relate to the following Treaty Settlement Legislation:

- Te Uru o Hau Act Claims Settlement Act 2002
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Manuhiri Claims Settlement Act 2012

⁶ Section 32 Evaluation Report, pages 26 - 27.

⁷ Section 32 Evaluation Report, pages 27 – 28.

⁸ Section 32 Evaluation Report, pages 24 – 25.

- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Act Claims Settlement Act 2015
- Ngāi Tai ki Tāmaki Claims Settlement Act 2018
- Ngāti Tamaoho Claims Settlement Act 2018

79. Statutory Acknowledgement Areas are recognised by the Crown as having cultural, spiritual, historical, and/or traditional associations for tangata whenua, which were identified through treaty settlements. Councils must consider Statutory Acknowledgment Areas when deciding who to involve in resource consents and hearings. As additional claims to the Waitangi Tribunal are settled and treaty settlement legislation is enacted, the new acts will be added to Appendix 21, identifying additional Statutory Acknowledgement Areas
80. Development of the plan change was done in collaboration with Mana Whenua, including representatives of groups that have settled their Treaty claims and those that are still in the process of settling their claims.
81. Where SSMW are located within Statutory Acknowledgement Areas, although resource consents would no longer be required for temporary filming activities, consultation with affected iwi / hapū will be still be required through the film permit process. Therefore, providing for the recognition of Statutory Acknowledgment Areas through participation of Mana Whenua in decision-making on film permits.
82. The plan change is consistent with treaty settlement legislation.

6.8. The Auckland Plan

83. In considering a plan change, a territorial authority must have regard to plans and strategies prepared under other Acts.
84. The Auckland Plan, prepared under section 79 of the Local Government (Auckland Council) Act 2009 is a relevant strategy document that council should have regard to in the preparation of PC106.
85. As outlined in Section 7 of the s32 report, of most relevance to the plan change are Auckland Plan Outcomes - Opportunity and prosperity and Māori identify and well-being. The plan change supports these outcomes by:
 - making Tāmaki Makaurau more film-friendly by reducing regulation and permitting costs;
 - providing more opportunities for the screen industry to showcase our iwi/hapū cultural landscapes and values;
 - increasing opportunities for rangatahi participation in the screen industry; and
 - ensuring Mana Whenua participation in decision-making on SSMW.
86. The plan change is consistent with the Auckland Plan.

6.9. Any relevant management plans and strategies prepared under any other Act

87. Other relevant plans and strategies are identified because they have either currently identify (or potentially could identify) actual or potential effects (positive and adverse) of filming activities in council-controlled public places.

Iwi Management Plans

88. Section 7 of the s32 report identifies ten relevant planning documents recognised by an iwi authority lodged with the council, often referred to as Iwi Management Plans:⁹

These iwi planning documents generally address the requirements for engagement and participation in resource management decisions, identify specific areas of interest, and the protection of wāhi tapu or significant cultural sites. Maintenance of access to significant sites, including for customary use, is identified as important in several iwi planning documents.

No specific references to filming or requirements for filming were identified when reviewing these iwi planning documents, but it is recognised that they could include requirements for filming. Some iwi/hapū have indicated an intention to include specific film protocols in their planning documents.

89. The plan change requires a film permit to be consistent with any relevant iwi planning document and for Mana Whenua to be consulted consistent with relevant iwi management plans.

Reserve Management Plans

90. The s32 report did not address Reserve Management Plans, which are required under the Reserves Act 1977. However, there are several SSMW (with more likely to be more added over time) located in reserves that are managed by the council and/or the Department of Conservation and are subject to Reserve Management Plans.
91. The council's management plans include the Regional Parks Management Plan, Local Park Management Plans, and Reserve Management Plans.
92. Where there are specific requirements or aspirations associated with filming activities identified in Reserve Management Plans, the film permit process manages these already by consulting regional and local parks teams to understand these and the plan change does not alter that process.
93. The plan change is consistent with relevant reserve management plans.

⁹ Section 32 Evaluation Report, page 34.

7. Consultation

94. The plan change was developed in collaboration with representatives of the Screen Industry and Mana Whenua.
95. In accordance with Schedule 1 of the RMA (Clauses 2, 3 and 4A) of the following parties were consulted on the proposed plan change as outlined in the S32 report (Section 4):
- Minister of Conservation
 - Iwi Authorities
 - Ministry for the Environment
 - Local Boards
 - Screen Industry
 - Heritage New Zealand
 - Houkura – Independent Māori Statutory Board
 - Tūpuna Maunga Authority.
96. The following consultation was undertaken for PC106.

7.1. Mana Whenua

97. The plan change has been developed collaboratively with Mana Whenua through a series of engagements outlined in the S32 report (Section 4). The following 19 mandated iwi authorities were identified, and engagement has occurred at both the governance and kaitiaki levels to provide opportunities for feedback on any concerns regarding filming on SSMW and on the draft plan change options and wording.
- Ngāti Manuhiri Settlement Trust
 - Ngāti Maru Runanga
 - Ngā Maunga Whakahii of Kaipara Trust
 - Ngāti Paoa Iwi Trust
 - Ngāti Rēhua Ngāti Wai ki Aotea Trust
 - Ngāti Tamaoho Charitable Trust
 - Ngāti Tamaterā Iwi Settlement Trust
 - Ngāti Whātua Ōrākei Trust
 - Ngaati Whaanaunga
 - Ngātiwai Trust Board
 - Pou Tāngata Ngāi Tai ki Tāmaki Development Trust

- Te Ahiwaru Trust
 - Te Ākitai Waiohūa Iwi Authority
 - Te Ara Rangatū o te Iwi o Ngāti Te Ata – Waiohūa
 - Te Kawerau ā Maki Tribal Authority
 - Te Patukirikiri Incorporated
 - Te Rūnunga o Ngāti Whātua Māori Trust Board
 - Te Uru o Hau Settlement Trust
 - Waikato Raupatu Lands Trust
98. Feedback was received from 17 iwi authorities, both formal and informal, including through the collaborative working group, kanohi ki te kanohi hui, letters, emails and phone calls. Feedback from iwi authorities was summarised in Attachment 4A to the S32 report.
99. Initial feedback on the proposal for a plan change identified that 12 out of 19 iwi authorities supported in principle preparing a plan change subject to further engagement. Representatives from 10 iwi authorities participated in all or some of the collaborative working sessions informing the drafting of the plan change and film permit process.
100. Overall, the level of engagement from iwi/hapū on the plan change has been substantial, allowing for collaborative and iterative drafting on the permitted standard to address issues.
101. At the time of notification, the following positions were confirmed by iwi:
- Support in principle for the plan change from 11 iwi/hapū
 - No opposition to the plan change from 4 iwi/hapū
 - 1 iwi authority generally supports the plan change subject to amendments otherwise opposes
 - 1 iwi authority defers to another iwi
 - 1 iwi sought to be engaged through the Mana Whenua Forum
 - No response received from 1 iwi authority
102. One submission was received from Ngāti Whātua Ōrākei on the notified plan change. This is discussed further in sections 8 and 9 below.
103. No iwi recommended needing a decision maker as part of the Independent Hearings Panel that is hearing this plan change in accordance with clause 4A of Schedule 1 of the RMA. One iwi requested a Mana Whenua commissioner be appointed to the hearings panel in response to the formal request made under Section 34(1) of the RMA.

7.2. Local Board

104. Local Boards were kept informed during the development of the plan change with memos in November 2022 and September 2024 outlining the issues, options and outcomes of engagement, as follows:
- November 2022 – informing of proposed plan change to enable filming as a permitted activity
 - September 2024 – progress report including engagement with Mana Whenua and feedback from 17 out of 19 iwi authorities.
105. A report was submitted to all 21 Local Board business meetings in February 2025 with an update on notification of the plan change, the submissions received and seeking local board feedback. Resolutions were received from 20 of the Local Boards.
106. Due to the amount of feedback, Local Board resolutions are provided at Attachment 4. This feedback is provided to inform the Independent Hearings Panel. Where Local Boards propose to speak at the hearing, the full resolution is included below, others are summarised.
107. In summary, the following themes from Local Board feedback are provided:
- Overall Support for the plan change;
 - Further engagement with Mana Whenua and concerns that not all Mana Whenua may have provided feedback;
 - Devonport-Takapuna Local Board direct engagement with Mana Whenua take place to reach a majority view by impacted parties before this plan change proceeds further;¹⁰
 - Henderson-Massey Local Board note that Te Kawerau ā Maki are crucial as Mana Whenua to the local board, and we would value their feedback on this plan change;¹¹
 - Hibiscus and Bays Local Board support the proposed change as a practical improvement, removing unnecessary duplication and cost;¹²
 - Howick Local Board recommend that film makers avoid wāhi tapu sites wherever possible;¹³
 - Manurewa Local Board defer to the view of ahi kā on the proposed plan change 106 for filming on Sites and Places of Significance to Mana Whenua;¹⁴
 - Papakura Local Board believes deciding the hapū or iwi with the strongest relationship to the filming location best sits with Mana Whenua, iwi and hapū groups;¹⁵ and

¹⁰ Resolution DT/2025/10

¹¹ Resolution HM/2025/12

¹² Resolution HB/2025/8

¹³ Resolution HW/2025/12

¹⁴ Resolution MR/2025/16

¹⁵ Resolution PPK/2025/13

- Waitākere Ranges Local Board recommend Governing Body consider the views of Te Kawerau ā Maki, Ngāti Whatua and other Mana Whenua to determine whether the plan change is appropriate.¹⁶

108. Resolution (AE/2025/9) of the Albert-Eden Local Board is that:

- a) *note the regular use of the Albert-Eden Local Board area for filming.*
- b) *note and support the importance of Sites and Places of Significance for Mana Whenua identified in the Auckland Unitary Plan.*
- c) *note that there are currently 7 Sites and Places of Significance for Mana Whenua identified in the Albert-Eden Local Board rohe.*
- d) *suggest that up to 30 days as a temporary activity is too long and the length of activity should be shortened.*
- e) *request that Table D21.4.1 Activity Table (A3A) is amended to read ‘Temporary activities for filming in public places for up to 7 days that comply with Standard D21.6.4’ is a permitted activity.*
- f) *request staff to undertake the following amendments to Table ‘D21.6.4’:*
 - i) *‘Temporary activities for filming in public places for up to 7 days’*
 - ii) *Add, as a proposed new c) to ‘not involve any structures or where paku on the site’.*
- g) *appoint a local board Deputy Chairperson M Watson and Member L Roe to speak to the local board views at a hearing on proposed plan change 106.*
- h) *delegate authority to the chairperson of Albert-Eden Local Board to make a replacement appointment in the event the local board member appointed in resolution g) is unable to attend the plan change hearing.*

109. Resolution (MO/2025/11) of the Māngere-Ōtāhuhu is that:

- a) *tautoko / support the goals of PC 106 but highlights the need for careful consideration of cultural, environmental, and community impacts. The board encourages the decision-makers to take the views and concerns of Mana Whenua, the local board and community seriously as the process moves forward*
- b) *whakamihi / thank the submitters who responded to PC 106, noting the following themes:*
 - i) *support from the screen industry: a majority of submitters from the screen industry support the proposed plan change, with some seeking clarification on what constitutes “land disturbance”*
 - ii) *opposition to Plan Change (subject to amendments): Ngāti Whātua Ōrākei raised concerns about the recognition of iwi with the strongest relationship to the filming location and sought amendments to reflect this*
 - iii) *Tūpuna Maunga Authority Concerns: the exclusion of land administered by the Tūpuna Maunga Authority was highlighted, with requests for amendments to allow temporary filming as a permitted activity on this land*
- c) *tautoko / support the aim of PC 106 to reduce duplication in the process of obtaining permits for temporary filming activities*

¹⁶ Resolution WTK/2025/9

- d) *whakaae / agree maintaining and enhancing mana whenua involvement in decision-making, particularly regarding SPSMW. It is essential that the cultural significance of these sites is not compromised by filming activities*
- e) *tono / request that the concerns of the Tūpuna Maunga Authority be considered, as these sites hold significant cultural and historical value*
- f) *tautoko / support that any changes should consider local community interests, especially in regard to the preservation of cultural sites and ensuring community input is integrated into decision-making processes*
- g) *kopou / appoint a local board member to speak to the local board views at a hearing on proposed plan change 106*
- h) *tautapa / delegate authority to the chairperson of the Māngere-Ōtāhuhu Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the plan change hearing.*

110. Resolution (RD/2025/11) of the Rodney Local Board is that:

- a) *tuku / support proposed plan change 106 for filming on Sites and Places of Significance to Mana Whenua subject to the following feedback:*
 - i) *tono / request that staff or the local board (through the nominated local board member) may refer any application for temporary filming activities that may adversely affect the cultural values of the Sites and Places of Significance to Mana Whenua in council-controlled public places to a local board business meeting to provide its views*
 - ii) *express concern that all mana whenua groups may not have provided feedback due to the current process*
 - iii) *tono / request mana whenua views are sought regarding whether film permit application engagement should include trust entities and marae representatives.*
 - iv) *tono / request the engagement process regarding film permits includes in person or phone contact (not just email) with at minimum the iwi and hapu with the strongest relationship to the filming location.*
- b) *kopou / appoint local board Member M Carmichael to speak to the local board views at a hearing on the proposed plan change 106 Sites and Places of Significance to Mana Whenua*
- c) *tāpae / delegate authority to the chairperson of Rodney Local Board to make a replacement appointment in the event the chairperson as appointed in resolution b) is unable to attend the plan change hearing.*

111. Resolution (WTM/2025/17) of the Waitematā Local Board is that:

- a) *tautoko / support the local film industry for its substantial contribution to both economic and cultural wellbeing.*
- b) *kopou / appoint Deputy Chair Greg Moyle to speak to the local board views at the hearing on proposed plan change 106;*
- c) *tautapa / delegate authority to the chairperson of Waitematā Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the plan change hearing.*
- d) *whakarite / provide the following initial views on Proposed Plan Change 106:*
 - i) *recognise the hapu or iwi with the strongest relationship to the filming location.*

ii) appropriately enable temporary filming on land administered by the Tūpuna Maunga Authority.

8. Notification and Submissions

8.1. Notification details

112. Details of the notification timeframes and number of submissions received is outlined below:

Date of public notification for submissions	26 September 2024
Closing date for submissions	24 October 2024
Number of submissions received	10
Date of public notification for further submissions	21 November 2024
Closing date for further submissions	10 December 2024
Number of further submissions received	Nil

113. One submission was received late. The submission from the Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) was received on 31 October 2024. The Council granted a waiver on 4 November 2024 to accept the submission under Section 37A of the RMA because for the following reasons:

- No persons' interests will be adversely affected by the waiver as it does not result in any time delay or additional steps in the Plan Change;
- The interests of the community in achieving adequate assessment of the effects of the plan change will be achieved as the submitters raise valid concerns arising from the Plan Change; and
- Accepting the submission will not interfere with the Council's duty to avoid unreasonable delay, as the submission was received within a short time of the close date.

114. The late submission was included as part of the Summary of Decisions Requested document that accompanied the notification of the Plan Change for further submissions on 21 November 2024. The summary of decisions requested and copies of the complete submissions are attached as **Attachment 5** to this report.

8.2. Out of Scope Submissions

115. The Council's approach to jurisdiction is outlined below, adopting the approach taken by the High Court in *Clearwater Resort Ltd v Christchurch City Council*,¹⁷ and *Palmerston North City Council v Motor Machinists Ltd*.¹⁸ The *Motor Machinists Ltd* decision of the High Court referred to the *Clearwater* decision and confirmed that a two limbed test must be satisfied,¹⁹ as follows:

¹⁷ *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003, at [66]

¹⁸ *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290, at [80] - [82]

¹⁹ *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003, at [66]

- The submission must address the proposed plan change itself, that is it must address the extent of the alteration to the status quo which the change entails; and
- The Council must consider whether there is a real risk that any person who may be directly affected by the decision sought in the submission has been denied an effective opportunity to respond to what the submission seeks.

116. In *Motor Machinists* the High Court described the first limb as the “dominant consideration”, involving consideration of both “the breadth of alteration to the status quo entailed in the proposed plan change, and whether the submission then addresses that alteration.”
117. In considering the first limb, the High Court held in *Motor Machinists* that whether the submission falls within the ambit of the plan change may be analysed by asking whether it raises matters that should be addressed in the Section 32 Report, or whether the management regime in the plan for a particular resource is altered by the plan change. Submissions seeking relief beyond that ambit are unlikely to be ‘on’ the plan change. However, some extensions to a plan change are not excluded: incidental or consequential extensions are permissible if they require no substantial section 32 analysis.
118. In considering the second limb, the High Court in *Motor Machinists* identified the risk that the Council must guard against is that the reasonable interests of others might be overridden by a ‘submissional side-wind.’ The concern identified was that a plan change could be so morphed by additional requests in submissions that people who were not affected by the plan change as notified became affected through a submission, which had not been directly notified to them. If the effect of regarding a submission as ‘on’ a plan variation would be to permit a planning instrument to be appreciably amended without a real opportunity for participation by those potentially affected, this is a powerful consideration against any argument that the submissions is truly ‘on’ the variation.

Maunga Authority – submission points

119. The following submission points of the Maunga Authority submission are considered to be out of scope of PC106 because it is not ‘on’ the plan change.

Sub No	Submitter	Summary of decision requested
10.3	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	Insert new activity (A3B) into Table D21.4.1 Activity Table as follows: "Temporary activities for concerts, fairs, festivals and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days that comply with Standard D21.6.5".
10.6	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	Insert new "Standard D21.6.5 Temporary activities for concerts, fairs, festival and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days (1) Any temporary activity for concerts, fairs, festivals and events must: (a) be no more than six consecutive days; (b) not involve any land disturbance; (c) be undertaken by or under the direction of the Tūpuna Maunga Authority; (d) maintain access for customary activities; and (e) apply tikanga as informed by integrated Management Plan and Strategies".

120. The Maunga Authority submission identifies that temporary activities such as concerts, fairs, festivals and events, and special events on land administered by the Maunga Authority are envisaged, encouraged and provided for on the Tūpuna Maunga in the Integrated Management Plan (IMP) and Strategies. The submitter considers that there is sufficient

information to support the amendment proposed, consistent with section 74(2)(b) of the RMA which requires regard to the IMP as a management plan or strategy prepared under another Act.

121. PC106 as notified proposed new provisions specific to temporary filming activities and made no other changes to the existing provisions in Chapter D21. In developing the plan change, consultation and s32 report, there has been no consideration of the application to change the temporary activity status for concerts, fairs, festivals and events, and special events on SSMW. These activities are very different to filming in how they are managed and they have different effects on the values and associations of Mana Whenua with the SSMW.
122. The relief sought by submissions 10.3 and 10.6 goes beyond the scope of the plan change. There has been no evaluation by the submitter under section 32 or section 32AA of the RMA about the relief sought. The characteristics of events are different from filming activities and to filming activities and engagement with Mana Whenua did not include consideration of how such characteristics could be appropriately managed as a permitted activity.

9. Analysis of submission and further submissions

123. The following sections address the submissions received on PC106. Section 10(3) of the RMA states that the local authority is not required to give a decision that addresses each submission individually. Accordingly, submissions have been grouped by topic. It discusses the relief sought in the submissions and makes recommendations to the Hearing Commissioners.
124. Submissions that address the same issues and seek the same relief have been grouped together in this report under the following topic headings:
 - Support for the plan change in its entirety
 - Support for plan change with amendments
 - Support for specific provisions in the plan change
 - Oppose the plan change subject to amendments
 - Application of plan change to Tūpuna Maunga administered land
125. A table of all submissions and the recommendations is provided in **Attachment 6**.

9.1. Support the plan change in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
1.1	Tia Barrett	Approve the plan change without any amendments
2.1	Steep Street Film	Approve the plan change without any amendments
3.1	Rob Bavin	Approve the plan change without any amendments
4.1	Richard Waite	Approve the plan change without any amendments
5.1	Barry Sutherland Smith	Approve the plan change without any amendments
6.1	Advertising Producers Aotearoa	Approve the plan change without any amendments
8.1	Ngā Aho Whakaari	Approve the plan change without any amendments
9.1	Spada Screen Producers New Zealand	Supports the opportunity for screen productions to access these (sites and places of significance) once again, in compliance with standards to protect and enhance the cultural values of these sites

Discussion

126. There are eight submission points that support the plan change in its entirety without any amendments. The submitters appear to represent members of the screen industry, at an individual, company, and organisational level. Submitters in support of the plan change generally consider that the current approach of requiring a resource consent to be onerous and affecting the desirability to film in Tāmaki Makaurau, while supporting a process that recognises the need for consultation and a strengthened relationship with Mana Whenua when filming on SSMW.
127. Ngā Aho Whakaari (Submission 8.1) supports the plan change because it reduces compliance barriers and provides an opportunity for enhanced and more meaningful engagement between the screen sector and the relevant iwi and hapū groups. Ngā Aho Whakaari is a representative body for Māori Screen Sector practitioners. It is satisfied that although consensus was not reached by all Mana Whenua overall, there was support in principle for a plan change based on the summary of feedback from Mana Whenua.
128. Spada Screen Producers New Zealand (Submission 9.1) supports the plan change because it will support domestic productions by removing barriers of cost and resource, ensuring our international reputation remains intact. Spada is a non-profit, national organization representing active screen producers, production companies and key service providers to the New Zealand screen industry. The submitter considers the current constraints to filming on SSMW to be a crucial issue for its members and the screen sector and considers the council's consultation and notification of PC106 represents a step towards a better future for the screen industry and an opportunity to deepen and strengthen relationships with Mana Whenua.
129. Tia Barrett (Submission 1.1) supports the plan change based on experience as a Māori artist who is mana whenua to areas within Tāmaki Makaurau and considers the proposal to be an excellent approach to filming on SSMW. As an artist, the submitter has reached out to representatives of hapū in Tāmaki Makaurau to understand the tikanga that applies and has up-held their requests. The submitter reflects on the positive outcome of this process of making new connections and partaking in whakawhanaungatanga.
130. Other reasons presented by these submission points for supporting the plan change include:
- the provisions are considered to be reasonable and adequate for a low level use by any party (Submission 2.1);
 - the impact of current plan provisions on the ability to film in Auckland (Submission 3.1); and
 - with the correct management and procedures in place, these sites should be able to be filmed in without going through the resource consent process (Submission 4.1).
131. The reasons outlined above for supporting the plan change are consistent with the findings from consultation and engagement on why the plan change is required.

Recommendations on submissions

132. Submissions 1.1, 2.1, 3.1, 4.1, 5.1, 6.1, and 8.1 should be accepted in part because some amendments are proposed to the notified version of the plan change, but overall, the intention of the provisions remains as notified, and this is consistent with the relief sought.

133. Submission 9.1 be accepted because it supports the intention of the plan change as amended.
134. There are no amendments associated with these recommendations.

9.2. Support the plan change with amendments

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
4.2	Richard Waite	Clarify what would qualify as ground disturbance
5.2	Barry Sutherland Smith	Clarify what would qualify as ground disturbance or remove D21.6.4 clause (b)

Discussion

135. Two submitters support the plan change but seek clarification in relation to Chapter D21.6.4 sub-clause (b), which states that filming activities must not involve any land disturbance. Barry Sutherland (5.2) suggests deleting the clause and leaving such details to the permit process.
136. SSMW are some of the most significant cultural sites and places to Mana Whenua, with cultural values associated with historic events, occupation and cultural activities. Through consultation with Mana Whenua it was identified early that there must be no land disturbance as a permitted activity to avoid potential risk of damage. This approach is also consistent with Policy D21.3(1) to avoid physical destruction of SSMW in whole or in part.
137. The term 'land disturbance' is used in the permitted standard because it is the term used to refer to earthworks as defined in Chapter J of the AUP to mean, *"the disturbance of the surface of land by earthworks, ancillary farming, or ancillary forestry earthworks"*.
138. Land disturbance activities on SSMW are managed through the AUP provisions in Chapter E12, Land Disturbance – District. Any earthworks associated with temporary activities are already assessed as a restricted discretionary under Rule E12.4.2(A27). Therefore, the proposed standard D21.6.4 sub-clause (b) does not change the status quo but makes the standard explicit for temporary filming activities.

Recommendations on submissions

139. Submissions 4.2 and 5.2 be rejected because further clarification of land disturbance is not required
140. There are no amendments associated with these recommendations.

9.3. Support of specific provisions

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
7.4	Ngāti Whātua Ōrākei Trust	Retain the notified version of permitted activity standard applying to "Temporary activities for filming in public places for up to 30 days" and clarification that the filming activities must "be no more than 30 days" as set out in the notified Standard D21.6.4(1)(a).
7.8	Ngāti Whātua Ōrākei Trust	Retain the requirement to "consult" as opposed to "inform" on the filming activity in the notified version of Standard D21.6.4(c)(i).

Discussion

141. Ngāti Whātua Ōrākei Trust seeks retention of specific provisions (D21.6.4(a), and (c)(i)) within the proposed standard as notified because of the clarity provided on the duration of filming activities, and the requirement to consult on rather than inform of the filming activity.
142. Feedback Albert-Eden Local Board request amendments to the permitted standard to only provide for 'temporary activities for filming in public places for up to 7 days and that activities do 'not involve any structures or whare paku on the site'.²⁰ There is no scope to consider this feedback because no submissions have been received seeking to amend Standard D21.6.4 to reduce the number of days for temporary activities or to add additional requirements. However, the issues raised are acknowledged and discussed below.
143. Changes to the maximum number of days were discussed with Mana Whenua, and their feedback informed the notified provision to ensure that permitted temporary filming does not exceed 30 days. This position is reflected in the submission from Ngāti Whātua Ōrākei Trust (7.4) in support of Standard D21.6.4(a).
144. Ngāti Whātua Ōrākei support the requirement to 'consult' rather than to 'inform', which reflects further refinement of Standard D21.6.4 in response to feedback from Mana Whenua on the draft plan change. Through the film permit process, applicants will be required to consult with mana whenua to understand the values and implications on filming activities, including the location of wharepaku and food preparation areas, reflecting that not all areas of SSMW are tapu and only certain areas need to be avoided.
145. Through the development of the plan change, it was agreed with Mana Whenua that the location of wharepaku and other activities such as structures could be addressed through the film permit process and the requirement for a site plan. Any structures that result in land disturbance are not permitted by Standard D21.6.4(b), ensuring that SSMW are protected from physical damage.
146. It is not proposed to amend these provisions as they reflect the feedback received from Mana Whenua during development of the plan change.

Recommendations on submissions

147. That submissions 7.4 and 7.8 be accepted because the relief sought is consistent with the feedback received from Mana Whenua through the development of the provisions and it is proposed to retain the provisions as notified.
148. There are no amendments associated with these recommendations.

9.4. Oppose the plan change subject to amendments

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
7.1	Ngāti Whātua Ōrākei Trust	That Ngāti Whātua Ōrākei's ahi kā and mana whenua status within the 'heartland' of their rohe is recognised and provided for in the relevant provisions proposed to Chapter D21 of the AUP(OP) through PC106, and that their reo and identity is seen heard and provided for in any filming on sites and places of significance that Ngāti Whātua Ōrākei are the tangata whenua of

²⁰ Resolution AE/2025/9

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
7.2	Ngāti Whātua Ōrākei Trust	That only the hapū or iwi with the strongest relationship to the filming location (as defined in the proposed Note and amendments to Standard D21.6.4) should be engaged with for filming activities on identified SSMW
7.3	Ngāti Whātua Ōrākei Trust	Oppose PC106, unless the amendments outlined in Ngāti Whātua Ōrākei's submission are incorporated
7.5	Ngāti Whātua Ōrākei Trust	Insert new Standard D21.6.4(c) "be in accordance with any requirements provided by the hapū or iwi with the strongest relationship to the filming location" [results in consequential change to numbering]
7.6	Ngāti Whātua Ōrākei Trust	Amend new clause (d) to incorporate changes to subclauses (i), (ii) and (iv) to include the specific requirement that only the "appropriate" or "correct" hapū, and iwi which are recognised as "tangata whenua" and with the strongest relationship to the SSMW are engaged with on any proposals for development within identified SSMW. Refer to marked up changes in Attachment 2 of the submission.
7.7	Ngāti Whātua Ōrākei Trust	Amend Standard D21.6.4 to insert the following new subclause (d): "Note: the hapū or iwi with the strongest relationship is the local hapū or iwi which is the tangata whenua of the place where the filming is to be undertaken, on the basis of take tūpuna (ancestral rights and obligations), take raupatu (the taking of land through traditional warfare), and tuku whenua (traditional gifting of land) which demonstrates mana i te whenua and ahi kā (continuous and unbroken occupation and use of land and sea)."
7.9	Ngāti Whātua Ōrākei Trust	Remove reference to "Iwi Film Protocol" and "Iwi Planning document" in Standard D21.6.4(c)(ii). Filming in SSMW to be consistent with any requirements provided by the hapū or iwi with the strongest relationship to the filming location, including any cultural impact assessment prepared for the filming activity.
7.10	Ngāti Whātua Ōrākei Trust	If the amendments sought in submission points above are not incorporated into D21.6.4, the PC106 be declined and the requirement for resource consent as a restricted discretionary activity for temporary filming activities on SSMW is retained
7.11	Ngāti Whātua Ōrākei Trust	Request the power to determine applications for filming be transferred to the hapū or iwi with the strongest relationship to the filming location as per Option 5 in Attachment 5 to PC106 - Evaluation of Options.

Discussion

149. Ngāti Whātua Ōrākei's submission is generally supportive of the plan change's purpose to enable temporary filming activities on SSMW. However, the submitter opposes the plan change unless the permitted standard is amended to ensure that those who are the 'right' tangata whenua of the place where filming occurs are appropriately engaged with and involved in the decision-making process.
150. Issues of concern to Ngāti Whātua Ōrākei regarding filming in their rohe are outlined in the submission, including consulting the wrong iwi or hapū through the Council's blanket 'all-iwi' approach and direction to applicants to notify and consult up to 19 iwi. The submitter's position is *"that only 'appropriate' and correct iwi and hapū must be considered, consulted and involved in plan and resource consent processes relating to temporary activities on identified SSMW"*. The submitter indicates that failure to involve those who are the 'right' tangata whenua in decision-making processes associated with SSMW they have nominated could lead to poor outcomes.

151. Ngāti Whātua Ōrākei raised the same concerns in their submission on Plan Change 102, which seeks to schedule new SSMW. The submitter also raised this concern in consultation on PC106 prior to notification, which was addressed in the s32 report.²¹

The AUP does not identify the relative strength of iwi/hapū relationships with areas, and it is not proposed to address this in the plan change. It is acknowledged that evidential findings on relative strengths of relationships may be required to discharge the RMA's obligations to Māori regarding a specific resource management outcome (such as in relation to a resource consent).

152. Feedback from Rodney Local Board expresses concern that all Mana Whenua groups may not have provided feedback due to the current process and requests that Mana Whenua views are sought regarding whether film permit application engagement should include trust entities and marae representatives, and that engagement occur in person or by phone contact (not just email) with (at a minimum) the iwi and hapū with the strongest relationship to the filming location.²²

153. I acknowledge and agree with the submitter (and Rodney Local Board) that consultation with the appropriate iwi and hapū is essential with any proposal. To address the submitter's concerns, the following amendments were made to the proposed plan change prior to notification:

- Changed 'informed' to 'consulted' to strengthen the requirement to engage;
- Added 'regard to any Treaty Settlements that relate to the site' to acknowledge these;
- Changed Mana Whenua Film Protocol to 'relevant iwi film protocol', recognising these are iwi specific; and
- Included 'relevant iwi planning document', which could include requirements for filming as well as information on the relationship of iwi/hapū with the site.

154. The plan change makes temporary filming activities permitted, subject to the film permit process. In my opinion, the concerns raised regarding the 'appropriate' iwi and hapū need to be addressed through the consultation requirements of the film permit process, because resource consents are not required for permitted activities.

155. I consider it relevant to refer to the PC102 Section 42 Report regarding how the author, Mr Matthew Gouge, addressed this issue to ensure consistent interpretation and implementation of the AUP. I do not consider the submission of Ngāti Whātua Ōrākei on PC106 to be out of scope because changes have been made to the provisions in Chapter D21, but I agree with the following points made by Mr Gouge:²³

"The AUP currently does not contain provisions which specifically direct plan users and decision makers to engage with certain iwi or hapū based on whether they hold ahi kā.

A determination is made of the iwi and hapū who may have a cultural interest in a proposal through several information sources. These include:

- *Through publicly available 'Mana Whenua Areas of Interest' maps.*
- *Through a Council website providing mana whenua contacts for a site location,*
- *Through consideration of Treaty settlements and iwi and hapū planning documents, or*

²¹ Section 32 Evaluation Report, paragraph 67.

²² Resolution RD/2025/11

²³ PC102 S42 Report, paragraphs 203 – 206.

- *Through mana whenua groups indicating an interest in a particular application after having received a weekly list of lodged consents.*

In addition, a publicly available Council practice and guidance note provides all plan users with direction and an understanding of mana whenua values and when engagement may be required.

At the Regional Policy Statement level and elsewhere throughout the AUP, while the plan is explicit in providing for the relationship mana whenua have with their sites, wāhi tapu and other taonga in accordance with tikanga, the AUP does not detail what that tikanga is and how it should be applied. The plan recognises that mana whenua are specialists in the tikanga of their hapū and iwi.”

156. Following the release of the PC102 S42 Report, Ngāti Whātua Ōrākei formally requested that Council withdraw the two SSMW, which they had nominated, because of their ongoing concerns as to how their tangata whenua and aha kā status is recognised and provided for in the AUP and related processes.²⁴ Therefore, the matters raised in the submission of Ngāti Whātua Ōrākei were not considered at the hearing for PC102.
157. PC106 has a narrow application within the AUP and for SSMW because it only applies to temporary filming activities on SSMW that are council-controlled public places. I understand that the concerns raised by Ngāti Whātua Ōrākei’s submission relate to the overall management of SSMW and, more generally, how consultation with iwi and hapū is undertaken by Council and resource consent applicants. I do not consider it appropriate to address these broader issues within the narrow application of permitted standards for temporary filming activities on SSMW that are on public places.
158. The options evaluated when developing the plan change are set out in Attachment A5 to the s32 report, including Option 5 (transfer powers to Mana Whenua). The Ngāti Whātua Ōrākei submission (7.11) seeks that decision-making power is transferred to the hapū or iwi with the strongest relationship to the filming location if the amendments outlined in their submission are not incorporated.
159. A transfer of powers under section 33 of the RMA for decision-making on SSMW was identified as aligning with the goal of iwi/hapū for co-governance and strengthening Te Tiriti partnerships. Evaluation of this option identified that there are significant costs to build capacity within and resource iwi authorities to meet the requirements of section 33 as well as risks relating to uncertainty about which Iwi Authority holds the mandate to approve consents. While this option would ensure protection and enhancement of the tangible and intangible values, it relies on resource consents being required. Therefore, it does not address the issues of process duplication and costs (resource consents and permits).
160. The approach taken by PC106 focuses on removing the need for resource consent, and relying on the film permit process to enable greater participation in decision-making by iwi and hapū. A specific SSMW film permit process has been developed in collaboration with Mana Whenua to ensure that those iwi/hapū with interests in the SSMW are satisfied that temporary filming activities are appropriately managed. If any iwi / hapū is not satisfied, then a film permit would not be issued on an SSMW in recognition of the significance of these sites.
161. I understand that Mana Whenua will be consulted on the review of the Auckland Film Protocol and confirmation of the SSMW specific film permit process, including how to ensure that at a minimum the iwi or hapū with the strongest relationship to the filming location is consulted.
162. Mana Whenua consultation under the film permit process was a core discussion point throughout engagement with Mana Whenua. Screen Auckland has developed templates for applicants to make initial contact with iwi and hapū about their filming proposals. Consultation will be required with iwi authorities via kaitiaki contacts as identified on the council’s website.

²⁴ PC102 Addendum S42 Report, paragraph 18.

Although the initial contact may be via email, engagement for proposals on SSMW is expected to be more direct and the extent of consultation will need to be described as part of the application. Screen Auckland will follow up directly with iwi/hapū to ensure that filming applicants have consulted adequately before granting a permit.

163. The screen industry has also made its own commitments to ngā iwi and hapū of Tāmaki Makaurau to work together to strengthen relationships, to Tiriti-driven partnerships and collaborations, and to contribute to upholding and enhancing the mana and aspirations of iwi and hapū.
164. In my opinion, the notified version of the permitted standard is the most appropriate method to achieve the policies of Chapter D21 because it provides certainty of the requirements for the film permit process to consider relevant information to determine the iwi and hapū to be consulted as Mana Whenua.

Recommendations on submissions

165. That submissions 7.1, 7.2, 7.3, 7.5, 7.6, 7.7, 7.9, 7.10, and 7.11 be rejected for the reasons discussed above.
166. There are no amendments associated with these recommendations.

9.5. Application of plan change to Tūpuna Maunga administered land

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
10.1	Tūpuna Maunga o Tāmaki Makaurau Authority	The provisions of PC106 be confirmed or amended to address the matters raised in this submission and Attachment 1 (refer to the submission)
10.2	Tūpuna Maunga o Tāmaki Makaurau Authority	Amend activity (A3A) in Table D21.6.1 Activity Table to include "or land administered by the Tūpuna Maunga Authority" as a permitted activity.
10.4	Tūpuna Maunga o Tāmaki Makaurau Authority	Amend proposed Standard D21.6.4 by adding "or on land administered by the Tūpuna Maunga Authority" to the heading and first sentence in (1).
10.5	Tūpuna Maunga o Tāmaki Makaurau Authority	Amend proposed Standard D21.6.4 (c) by adding "including those required by the Tūpuna Maunga Authority where on land administered by the Tūpuna Maunga Authority".

Discussion

167. The submission of the Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) identifies that the plan change does not apply to land they administer because it is excluded from the definition of 'public place' in the Bylaw.
168. When developing the plan change, including through consultation with Mana Whenua, it was never intended that the plan change would not apply to land administered by the Maunga Authority. Unfortunately, the exclusion in the definition of 'public place' was inadvertently missed and had not been identified through consultation with the Maunga Authority prior to notification.
169. The s32 report focused on any potential effects of the plan change on the specific film permit process for tūpuna maunga, identifying that this would not be affected. It is not considered

efficient or effective to require resource consents for those SSMW that are also tūpuna maunga (currently three sites) because potential adverse effects can be appropriately avoided, remedied or mitigated through the tūpuna maunga film permit process.

170. The submitter also identifies that the Integrated Management Plan for tūpuna maunga establishes how they will be cared for, managed and maintained, setting out Values and Pathways to achieve integrated outcomes.
171. It is also noted that the Waitematā Local Board supports amendments to enable temporary filming on land administered by the Tupuna Maunga Authority.²⁵

Recommendations on Submissions

172. That submission 10.1 be accepted in part and submissions 10.2, 10.4, and 10.5 are accepted because:
- not all the amendments sought in Attachment 1 to the submission are accepted as those that relate to events are considered out of scope as discussed above; and
 - amendments clarify that the permitted activity for temporary filming on SSMW also applies to land administered by the Maunga Authority.
173. These amendments are set out in **Attachment 7** to this report and discussed below in section 10 of this report.

10. Section 32AA Analysis of Recommended Changes

174. The changes recommended above require an additional assessment in accordance with section 32AA of the RMA.
175. This further evaluation is only made in respect of the changes I have proposed in Attachment 6 to this report and discussed above. The further evaluation is at a level of detail which, in my opinion, corresponds to the scale and significance of the proposed changes.
176. The proposed changes clarify that it is a permitted activity for temporary filming activities on SSMW on land that is administered by the Maunga Authority. The proposed changes are efficient and effective because they enable filming activities to be managed through the existing film permit process, ensuring that any actual or potential adverse effects are appropriately managed. Sufficient information is available to understand any risks.
177. The proposed changes are consistent with section 74(2)(b) of the RMA, which requires that the council have regard to the Integrated Management Plan as a management plan and strategy prepared under Ngā Mana Whenua o Tāmaki Makaurau Collective Act.

11. Conclusions

178. In total, 10 submissions have been received on PC106. Nine submissions are in support, and one submission generally supports the plan change but opposes it if the amendments sought are not implemented.
179. Amendments are recommended to address the relief sought by Tūpuna Maunga Authority (Submitter 10) to ensure the plan change applies to land they administer to remove the need

²⁵ Resolution WTM/2025/17

for resource consent for temporary filming activities on tūpuna maunga subject to the Maunga Authority film permit process.

180. I do not consider amendments are warranted to address the relief sought by Ngāti Whātua Ōrākei Trust Board because the notified version of the permitted standard is the most appropriate method to achieve the relevant policies in Chapter D21 as it provides certainty of the requirements for the film permit process to consider relevant information to determine the iwi and hapū to be consulted.
181. Having considered the submissions and reviewed the relevant statutory and non-statutory documents, and with regard to the statutory tests under the RMA, I recommend that PC106 be approved subject to the amendments in **Attachment 7** of this report.

12. Recommendations

182. That, the Hearing Commissioners accept, accept in part, or reject submissions as outlined in this report.
183. That, as a result of the recommendations on the submissions, the Auckland Unitary Plan be amended by the changes proposed by PC106 and the amendments set out in **Attachment 7** to this report.

13. Signatories

Name and title of signatories	
Authors	 Chloe Trenouth, planning consultant
Reviewer / Approved for release	 Eryn Shields, Team Leader, Regional, North, West and Islands, Planning and Resource Consents

ATTACHMENT 3

RELEVANT POLICIES

Attachment 3 - Relevant Statutory and Policy Framework

This attachment contains relevant statutory and policy framework. This is grouped under the subheadings of the titles of relevant documents.

AUP Chapter	Relevant policy	Relevance
Regional Policy Statement		
B2.7 Open space and recreation facilities	Policy B2.7.2(1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions.	The plan change only applies to SSMW that are in public places including open spaces. As a permitted activity, temporary filming will be managed through the Bylaw providing for a variety of activities while ensuring the function of open space is maintained.
	Policy B2.7.2(7) Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities.	The plan change enables temporary filming activities for up to 30 consecutive days. A film permit would still be required to ensure any significant adverse effects are avoided, and other actual or potential adverse effects are mitigated.
	Policy B2.7.2(8) Avoid, remedy or mitigate significant adverse effects from the use of open spaces and recreational facilities on nearby residents and communities.	Potential adverse effects from the use of open space on nearby residents and communities would be managed through the film permit process in accordance with the Bylaw.
B6.2 Recognition of Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation	<p>Objective B6.2.1(1) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural and physical resources including ancestral lands, water, air, coastal sites, wāhi tapu and other taonga.</p> <p>Objective B6.2.1(2) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised through Mana Whenua participation in resource management processes</p> <p>Policy B6.2.2(1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:</p> <p>(a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga;</p> <p>(b) builds and maintains partnerships and relationships with iwi authorities;</p> <p>(c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans;</p> <p>(d) recognises the role of kaumātua and pūkenga;</p>	The plan change has been developed in collaboration with Mana Whenua to ensure ongoing protection of the SSMW and provide for participation in decision-making through the film permit process recognising the role of kaitiaki, builds and maintains partnerships and relationships with iwi authorities, provides timely and meaningful engagement with Mana Whenua, recognises the role of kaumātua and pūkenga, and recognises and provides for mātauranga and tikanga.

AUP Chapter	Relevant policy	Relevance
	<p>(e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;</p> <p>(f) acknowledges historical circumstances and impacts on resource needs;</p> <p>(g) recognises and provides for mātauranga and tikanga; and</p> <p>(h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them.</p>	
	<p>Policy B6.2.2(2)</p> <p>Recognise and provide for all of the following matters in resource management processes, where a proposal affects land or resources subject to Treaty settlement legislation:</p> <p>(a) the historical association of the claimant group with the area, and any historical, cultural or spiritual values associated with the site or area;</p> <p>(b) any relevant memorandum of understanding between the Council and the claimant group;</p> <p>(c) any joint management and co-governance arrangements established under Treaty settlement legislation; and</p> <p>(d) any other specific requirements of Treaty settlement legislation.</p>	<p>The plan change includes permitted standards that ensure that historical associations and any historical, cultural or spiritual values associated with the site or area can be identified and respected through the film permit process.</p> <p>Tūpuna Maunga Authority co-manages 14 maunga returned to 13 Mana Whenua iwi and hapū of Tāmaki Makaurau under the Ngā Tāmaki Makaurau Collective Redress Act 2013. Some SSMW also form part of the tupuna maunga. The plan change does not affect the separate requirements for filming on tupuna maunga which are administered by Screen Auckland through the film permit process.</p> <p>The plan change does not affect other existing or potential co-managed or co-governed public places. The film permit process adequately provides for the consideration of site specific arrangements.</p>
<p>B6.3 Recognising Mana Whenua values</p>	<p>Objective B6.3.1(1) Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.</p> <p>Objective B6.3.1(2) The mauri of, and the relationship of Mana Whenua with, natural and physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall.</p> <p>Objective B6.3.1(3) The relationship of Mana Whenua and their customs and traditions with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, natural resources or historic heritage values is recognised and provided for.</p>	<p>The plan change does not alter the protections afforded to SSMW through scheduling. The permitted standards rely on the film permit to consult Mana Whenua to understand the values of the site and participate in decision-making. Through the film permit process the concerns of Mana Whenua will be given sufficient weight in decision-making, ensuring that the mauri of, and the relationships and associations of Mana Whenua with SSMW are recognised and enhanced.</p> <p>There are no recorded protected customary rights in accordance with the Marine and Coastal Area (Tukutai Moana) Act 2011.</p>

AUP Chapter	Relevant policy	Relevance
	<p>Policy B6.3.2(2) Integrate Mana Whenua values, mātauranga and tikanga:</p> <p>(a) in the management of natural and physical resources within the ancestral rohe of Mana Whenua, including:</p> <p>(i) ancestral lands, water, sites, wāhi tapu and other taonga;</p> <p>(ii) biodiversity; and</p> <p>(iii) historic heritage places and areas.</p> <p>(b) in the management of freshwater and coastal resources, such as the use of rāhui to enhance ecosystem health;</p> <p>(c) in the development of innovative solutions to remedy the long term adverse effects on historical, cultural and spiritual values from discharges to freshwater and coastal water; and</p> <p>(d) in resource management processes and decisions relating to freshwater, geothermal, land, air and coastal resources.</p> <p>Policy B6.3.2(4) Provide opportunities for Mana Whenua to be involved in the integrated management of natural and physical resources in ways that do all of the following:</p> <p>(a) recognise the holistic nature of the Mana Whenua world view;</p> <p>(b) recognise any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011; and</p> <p>(c) restore or enhance the mauri of freshwater and coastal ecosystems.</p> <p>Policy B6.3.2(6) Require resource management decisions to have particular regard to potential impacts on all of the following:</p> <p>(a) the holistic nature of the Mana Whenua world view;</p> <p>(b) the exercise of kaitiakitanga;</p> <p>(c) mauri, particularly in relation to freshwater and coastal resources;</p> <p>(d) customary activities, including mahinga kai;</p> <p>(e) sites and areas with significant spiritual or cultural heritage value to Mana Whenua; and</p> <p>(f) any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011.</p>	
B6.5 Protection of Mana Whenua cultural heritage	<p>Objective B6.5.1(1) The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.</p> <p>Objective B6.5.1(2) The relationship of Mana Whenua with their cultural heritage is provided for</p>	<p>The plan change maintains permitted standards to ensure that the tangible and intangible values of SSMW are protected and enhanced through film permit process and participation of Mana Whenua in decision-making.</p> <p>Through the film permit process there are greater opportunities to consider the</p>

AUP Chapter	Relevant policy	Relevance
	<p>Objective B6.5.1(3) The association of Mana Whenua cultural, spiritual and historical values with local history and whakapapa is recognised, protected and enhanced.</p> <p>Objective B6.5.1(4) The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, primarily through partnerships between Mana Whenua and the Auckland Council, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.</p> <p>Policy B6.5.2(1) Protect Mana Whenua cultural and historic heritage sites and areas which are of significance to Mana Whenua.</p>	<p>effects of filming activities on mana whenua cultural heritage that is not scheduled, recognising that there are many more sites that meet the criteria for scheduling but haven't yet been included in the AUP. Mana Whenua will determine the cultural heritage information that can be relied upon through the film permit process. But there are opportunities to protect sensitive information from the public while having it available to Screen Auckland as an alert for consultation and engagement.</p>
	<p>Policy B6.5.2(4) Protect the places and areas listed in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule from adverse effects of subdivision, use and development by avoiding all of the following:</p> <ul style="list-style-type: none"> (a) the destruction in whole or in part of the site or place and its extent; (b) adverse cumulative effects on the site or place; (c) adverse effects on the location and context of the site or place; and (d) significant adverse effects on the values and associations Mana Whenua have with the site or place; <p>taking into account in such circumstances whether or not any structures, buildings or infrastructure are present and the adverse effects are temporary.</p> <p>Policy B6.5.2(5) Protect places and areas in the Schedule 12 Sites and Places of Significance to Mana Whenua Schedule from the adverse effects of subdivision, use and development by all of the following:</p> <ul style="list-style-type: none"> (a) avoiding where practicable, or otherwise remedying or mitigating adverse effects on the values and associations of Mana Whenua with the site, place or area; (b) requiring a protocol to be followed in the event of accidental discovery of kōiwi, archaeology or artefacts of Māori origin; and (c) undertaking appropriate actions in accordance with mātauranga and tikanga Māori. 	<p>The plan change does not enable any land disturbance or physical impacts to SPSMW. Filming activities will be temporary and the permitted standards ensure that there will be no significant adverse effects. Potential adverse effects will be avoided, remedied or mitigated through the management of activities on a site-by-site basis in consultation with iwi where there is a potential impact on the mauri or mana of the SPSMW.</p> <p>All permitted activities in Chapter D21 are required to comply with the Accidental Discovery Protocols in Chapters E11 and E12 of the AUP (Standard D21.6.1). Therefore, through the film permit process there will be opportunity to impose special conditions for accidental discovery protocols should they be required recognising that there shall be no land disturbance.</p> <p>The permitted standards require that tikanga be acknowledged because it will differ depending on the filming activity, the SSMW and the Iwi or Hapū. Provided Iwi and Hapū are informed of the temporary filming activity through the film permit process, the opportunity will be provided for the expression of appropriate tikanga.</p>
District Plan and Coastal Plan		
D21 Sites and Places of Significance to Mana Whenua Overlay	<p>Objective D21.2(1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.</p>	<p>The plan change maintains permitted standards to ensure that the tangible and intangible values of SSMW are protected and enhanced through film permit process</p>

AUP Chapter	Relevant policy	Relevance
	<p>Objective D21.2(2) Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.</p> <p>Policy D21.3(1) Avoid the physical destruction in whole or in part of sites and places of significance during earthworks.</p> <p>Policy D21.3(2) Avoid significant adverse effects on the values and associations of Mana Whenua with sites and places of significance to them.</p> <p>Policy D21.3(3) Require subdivision, use and development, where adverse effects on sites and places of significance cannot practicably be avoided, to remedy or mitigate those adverse effects by:</p> <ul style="list-style-type: none"> (a) enhancing the values of the scheduled site or place of significance and the relationship of Mana Whenua with their tāonga, commensurate with the scale and nature of the proposal; (b) incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values; (c) recognising and providing for the outcomes articulated by Mana Whenua through an assessment of environmental effects with Mana Whenua and within iwi planning documents; (d) demonstrating consideration of practicable alternative methods, locations or designs that would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; and (e) demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua. <p>Policy D21.3(4) Reflect within the development the relationship of the scheduled site or place of significance within the context of the wider local history and whakapapa.</p> <p>Policy D21.3(5) Recognise that some activities may have such significant adverse effects on Mana Whenua values that they are culturally inappropriate when considering the nature of the scheduled site or place of significance and associated values.</p> <p>Policy D21.3(8) Recognise that the intangible values of sites or places of significance can be protected and enhanced even where the site or</p>	<p>and participation of Mana Whenua in decision-making.</p> <p>The permitted standard ensures that no land disturbance can occur to avoid physical destruction or damage to SSMW. The temporary nature of the permitted filming activities also avoids significant adverse effects.</p> <p>Through the film permit process the actual or potential adverse effects of using SSMW on public places can be appropriately considered. The film permit process provides for the enhancement of values through storytelling and care / protection of sites, by incorporating tikanga and mātauranga into the filming process.</p> <p>The permitted standard requires that through the film permit process confirmation is provided that Mana Whenua have been consulted on the filming activity. Consultation provides for regard to be had to any Treaty Settlements, and filming activities must be consistent with the outcomes sought by iwi including those articulated in iwi film protocols, iwi planning documents, or cultural impact assessments. This recognises that SSMW are significant and Mana Whenua input to decision-making on film permits is required.</p> <p>There is flexibility with the film permit process to ensure that activities that may have significant adverse effects (i.e. warepaku/toilets) are avoided in certain locations. The permitted standard requires that access for customary activities are maintained throughout filming activities if this is identified as necessary by Mana Whenua.</p>

AUP Chapter	Relevant policy	Relevance
	<p>place has been significantly modified or destroyed.</p> <p>Policy D21.3(11) Require an assessment of environmental effects where proposed works may have adverse effects on the values associated with sites or places of significance to Mana Whenua.</p>	

ATTACHMENT 4

LOCAL BOARD FEEDBACK



Governance and Engagement

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Local board views on proposed Plan Change 106 for filming on Sites and Places of Significance to Mana Whenua

February 2025



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Albert-Eden Local Board

Resolution number AE/2025/9

MOVED by Member L Roe, seconded by Deputy Chairperson M Watson:

That the Albert-Eden Local Board:

- a) note the regular use of the Albert-Eden Local Board area for filming.
- b) note and support the importance of Sites and Places of Significance for Mana Whenua identified in the Auckland Unitary Plan.
- c) note that there are currently 7 Sites and Places of Significance for Mana Whenua identified in the Albert-Eden Local Board rohe.
- d) suggest that up to 30 days as a temporary activity is too long and the length of activity should be shortened.
- e) request that Table D21.4.1 Activity Table (A3A) is amended to read 'Temporary activities for filming in public places for up to 7 days that comply with Standard D21.6.4' is a permitted activity.
- f) request staff to undertake the following amendments to Table 'D21.6.4':
 - i) 'Temporary activities for filming in public places for up to 7 days'
 - ii) Add, as a proposed new c) to 'not involve any structures or whare paku on the site'.
- g) appoint a local board Deputy Chairperson M Watson and Member L Roe to speak to the local board views at a hearing on proposed plan change 106.
- h) delegate authority to the chairperson of Albert-Eden Local Board to make a replacement appointment in the event the local board member appointed in resolution g) is unable to attend the plan change hearing.

CARRIED

Resolution number AE/2025/10

MOVED by Member L Roe, seconded by Deputy Chairperson M Watson:

That the Albert-Eden Local Board:

- a) request that film permitting approval is conditional on the support of Mana Whenua on Sites and Places of Significance for Mana Whenua.

CARRIED

Aotea / Great Barrier Local Board

Resolution number GBI/2025/12

MOVED by Deputy Chairperson C Ollivier, seconded by Member P O'Shea:

That the Aotea / Great Barrier Local Board:

- a) whiwhi / receive the Local board views on proposed plan change 106 for filming on Sites and Places of Significance to Mana Whenua report.
- b) will not kopou / appoint a local board member to speak to the local board views at a hearing on proposed plan change 106.

CARRIED

Devonport-Takapuna Local Board

Resolution number DT/2025/10

MOVED by Chairperson T van Tonder, seconded by Member P Allen:

That the Devonport-Takapuna Local Board:

- a) tautoko / support the intention of the plan change 106.
- b) tuhi tīpoka / note the limited number of submissions by iwi and hapu of Tāmaki Makaurau on plan change 106.
- c) tūtohu / recommend further direct engagement with mana whenua take place to reach a majority view by impacted parties before this plan change proceeds further.

CARRIED

Franklin Local Board

Resolution number FR/2025/13

MOVED by Chairperson A Fulljames, seconded by Member A Kinzett:

That the Franklin Local Board:

- a) ohia / endorse Plan Change 106 as proposed.
- b) whakahē / decline the opportunity to appoint a local board member to speak to the local board views at a hearing on proposed Plan Change 106.
- c) whakahē / decline the opportunity to delegate authority to the chairperson of the Franklin Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the plan change hearing.

CARRIED

Henderson-Massey Local Board

Resolution number HM/2025/1

MOVED by Chairperson C Carter, seconded by Deputy Chairperson W Flavell:

That the Henderson-Massey Local Board:

- a) whiwhi / receive the feedback on proposed plan change 106.
- b) tuhi ā-taipitopito / note that Te Kawerau ā Maki are crucial as mana whenua to the Henderson-Massey Local Board, and we would value their feedback on this plan change.

CARRIED

Hibiscus and Bays Local Board

Resolution number HB/2025/8

MOVED by Chairperson A Poppelbaum, seconded by Member V Short:

That the Hibiscus and Bays Local Board:

- a) tuku / provide the following feedback on proposed Plan Change 106:
 - i) there were no submissions from the Hibiscus and Bays Local Board area and no current sites and places of significance (in Schedule 12 of the Unitary Plan)
 - ii) the film permit process will continue to ensure that filming activities respect the cultural values of the whenua and follow appropriate tikanga
 - iii) support the proposed change as a practical improvement, removing unnecessary duplication and cost.

CARRIED

Howick Local Board

Resolution number HW/2025/12

MOVED by Chairperson D Light, seconded by Member A White:

That the Howick Local Board:

- a) **tuku** / provide the following views on proposed plan change 106. The Board:
 - i) **tuhi tīpoka** / note that the film permit process will continue to ensure that filming activities respect the cultural values of the whenua and follow appropriate tikanga.
 - ii) **akiaki** / urge Auckland Council to continue to work with mana whenua to ensure that their feedback and input is considered and respected.
 - iii) **tautoko** / support the proposed change as a practical improvement, removing unnecessary duplication and cost.
 - iv) **tūtohu** / recommend that film makers avoid wāhi tapu sites wherever possible.

CARRIED

Kaipātiki Local Board

Resolution number [KT/2025/2](#)

MOVED by Chairperson J Gillon, seconded by Deputy Chairperson D Grant:

That the Kaipātiki Local Board:

- a) tautoko / support proposed plan change 106.

CARRIED

Māngere-Ōtāhuhu Local Board

Resolution number MO/2025/11

MOVED by Chairperson N Bakulich, seconded by Member P Peo:

That the Māngere-Ōtāhuhu Local Board:

- a) tautoko / support the goals of PC 106 but highlights the need for careful consideration of cultural, environmental, and community impacts. The board encourages the decision-makers to take the views and concerns of Mana Whenua, the local board and community seriously as the process moves forward
- b) whakamihi / thank the submitters who responded to PC 106, noting the following themes:
 - i) support from the screen industry: a majority of submitters from the screen industry support the proposed plan change, with some seeking clarification on what constitutes “land disturbance”
 - ii) opposition to Plan Change (subject to amendments): Ngāti Whātua Ōrākei raised concerns about the recognition of iwi with the strongest relationship to the filming location and sought amendments to reflect this
 - iii) Tūpuna Maunga Authority Concerns: the exclusion of land administered by the Tūpuna Maunga Authority was highlighted, with requests for amendments to allow temporary filming as a permitted activity on this land
- c) tautoko / support the aim of PC 106 to reduce duplication in the process of obtaining permits for temporary filming activities
- d) whakaae / agree maintaining and enhancing mana whenua involvement in decision-making, particularly regarding SPSMW. It is essential that the cultural significance of these sites is not compromised by filming activities
- e) tono / request that the concerns of the Tūpuna Maunga Authority be considered, as these sites hold significant cultural and historical value
- f) tautoko / support that any changes should consider local community interests, especially in regard to the preservation of cultural sites and ensuring community input is integrated into decision-making processes
- g) kopou / appoint a local board member to speak to the local board views at a hearing on proposed plan change 106
- h) tautapa / delegate authority to the chairperson of the Māngere-Ōtāhuhu Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the plan change hearing.

CARRIED

Manurewa Local Board

Resolution number MR/2025/16

MOVED by Chairperson M Winiata, seconded by Deputy Chairperson G Murphy:

That the Manurewa Local Board:

- a) provide the following views on proposed plan change 106
 - i) tautoko / support the position of mana whenua on the proposed plan change 106 for filming on sites of significance for mana whenua
 - ii) tuhi ā-taipitopito / note the report states that feedback from mana whenua on PC 106 supports an approach that provides for filming in public places as a permitted activity with permitted standards, and for mana whenua to have an increased role in decision-making for activities occurring on SPSMW
- b) defer to the views of ahi kā on the proposed plan change 106 for filming on Sites and Places of Significance to Mana Whenua.

CARRIED

Maungakiekie-Tāmaki Local Board

Resolution number MT/2025/8

MOVED by Member P McGlashan, seconded by Member N Henry:

That the Maungakiekie-Tāmaki Local Board:

- a) note the purpose of plan change 106 to remove the requirement for a resource consent by identifying temporary filming activities on Sites and Places of Significance to Mana Whenua (SPSMW) in council-controlled public places as a permitted activity in the Auckland Unitary Plan (AUP).
- b) note that submissions received during the consultation were largely in favour of the proposed plan change.
- c) support the proposed amendments to the AUP Chapter D21 to identify temporary filming activities (up to 30 days) as a permitted activity on SPSMW that are also public places.
- d) note that the local board does not wish to present its views to a hearing on proposed plan change 106.

CARRIED

Ōrākei Local Board

No resolution

Ōtara-Papatoetoe Local Board

Resolution number OP/2025/15

MOVED by Chairperson AR Autagavaia, seconded by Deputy Chairperson V Hausia:

That the Ōtara-Papatoetoe Local Board:

- a) whakarite / provide the following comments on proposed plan change 106:
 - i) tuhi ā-taipitopito / note that ten submissions were received on the proposed plan change 106
 - ii) tautoko / support in principle, submission from the Tupuna Maunga Authority
 - iii) tautoko / support mana whenua feedback for an approach that provides for filming in public places as a permitted activity with permitted standards, and for mana whenua to have an increased role in decision-making for activities occurring on Sites and Places of Significance to Mana Whenua
 - iv) tuhi ā-taipitopito / note the board supports Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan and the board's local climate action and that measures to mitigate and minimize any adverse impact from filming be put in place as part of the plan change
 - v) tuhi ā-taipitopito / note that there is no change in process of film permit applications, and local boards continue to be responsible for landowner approval for local parks and are notified of any film permit applications.
- b) tono / request officers to include the board feedback under a) to inform the hearings panel and update the board on final outcomes of the proposed plan change 106.

CARRIED

Papakura Local Board

Resolution number PPK/2025/13

MOVED by Deputy Chairperson J Robinson, seconded by Member A Webster:

That the Papakura Local Board:

- a) provide the following feedback on the proposed plan change 106 (PC 106):
 - i) support the plan change 106 proposal
 - ii) the board believes deciding the hāpū or iwi with the strongest relationship to the filming location best sits with mana whenua, iwi and hāpū groups
 - iii) support the Tūpuna Maunga Authority request to amend plan change 106 to enable temporary filming as a permitted activity on land it administers, noting currently PC 106 excludes Tūpuna Maunga administered land
- b) does not wish to speak to the local board views at a hearing on proposed plan change 106.

CARRIED

Puketāpapa Local Board

Resolution number PKTPP/2025/10

MOVED by Member J Turner, seconded by Chairperson E Kumar:

That the Puketāpapa Local Board:

- a) support proposed plan change 106.
- b) delegate authority to the Chairperson of Puketāpapa Local Board to attend or delegate a local board member to attend the Plan Change Hearing if it is required.

CARRIED

Rodney Local Board

Resolution number RD/2025/11

MOVED by Chairperson B Bailey, seconded by Deputy Chairperson L Johnston:

That the Rodney Local Board:

- a) **tuku** / support proposed plan change 106 for filming on Sites and Places of Significance to Mana Whenua subject to the following feedback:
 - i) **tono** / request that staff or the local board (through the nominated local board member) may refer any application for temporary filming activities that may adversely affect the cultural values of the Sites and Places of Significance to Mana Whenua in council-controlled public places to a local board business meeting to provide its views
 - ii) express concern that all mana whenua groups may not have provided feedback due to the current process
 - iii) **tono** / request mana whenua views are sought regarding whether film permit application engagement should include trust entities and marae representatives.
 - iv) **tono** / request the engagement process regarding film permits includes in person or phone contact (not just email) with at minimum the iwi and hapu with the strongest relationship to the filming location.
- b) **kopou** / appoint local board Member M Carmichael to speak to the local board views at a hearing on the proposed plan change 106 Sites and Places of Significance to Mana Whenua
- c) **tāpae** / delegate authority to the chairperson of Rodney Local Board to make a replacement appointment in the event the chairperson as appointed in resolution b) is unable to attend the plan change hearing.

CARRIED

Upper Harbour Local Board

Resolution number UH/2025/11

MOVED by Deputy Chairperson U Casuri Balouch, seconded by Member C Blair:

That the Upper Harbour Local Board:

- a) tautoko / support proposed plan change 106 which identifies temporary film activities on Sites and Places of Significance to Mana Whenua on public places as a permitted activity.

CARRIED

Waiheke Local Board

Resolution number WHK/2025/10

MOVED by Chairperson C Handley, seconded by Deputy Chairperson K Matthews:

That the Waiheke Local Board:

- a) receive the report
- b) note its objection to the processes that have excluded the Hauraki Gulf Islands from being consulted or included
- c) request the same processes and inclusion in the Hauraki Gulf Islands District Plan as for the Auckland Unitary Plan.
- d) express its concern for the process that is city-centric with no cognisance of the Hauraki Gulf Islands

CARRIED

Waitākere Ranges Local Board

Resolution number WTK/2025/9

MOVED by Chairperson G Presland, seconded by Member S Coney:

That the Waitākere Ranges Local Board:

- a) provide the following feedback on proposed plan change 106:
 - i) tuhi ā-taipitopito / note that Waitākere Ranges is one of Auckland’s busiest filming locations.
 - ii) tuhi ā-taipitopito / note that in the Unitary Plan there are only three Sites or Places of Significance to Mana Whenua currently identified in Waitākere Ranges (although understand there are likely many others that are not identified in the plan):
 - Te Toka Tapu a Kupe, Ninepin Rock, Whatipu (Wāhi Tapu)
 - Karangahape Pā, Cornwallis (Pā site and kāinga)
 - Paruroa & Nihotupu, Waitākere Ranges Regional Park (battle site)
 - iii) recommend Governing Body consider the view of Te Kawerau ā Maki, Ngati Whatua and other mana whenua to determine whether the plan change is appropriate.

CARRIED

Waitematā Local Board

Resolution number WTM/2025/3

MOVED by Chairperson G Sage, seconded by Deputy Chairperson G Moyle:

That the Waitematā Local Board:

- a) tautoko / support the local film industry for its substantial contribution to both economic and cultural wellbeing.
- b) kopou / appoint Deputy Chair Greg Moyle to speak to the local board views at the hearing on proposed plan change 106;
- c) tautapa / delegate authority to the chairperson of Waitematā Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the plan change hearing.
- d) whakarite / provide the following initial views on Proposed Plan Change 106:
 - i) recognise the hapu or iwi with the strongest relationship to the filming location.
 - ii) appropriately enable temporary filming on land administered by the Tupuna Maunga Authority.

CARRIED

Whau Local Board

Resolution number WH/2025/9

MOVED by Deputy Chairperson F Amosa, seconded by Member VG Gascoigne:

That the Whau Local Board:

- a) tautoko / support the proposed plan change 106.

CARRIED

ATTACHMENT 5

SUMMARY OF DECISIONS REQUESTED AND SUBMISSIONS

AUCKLAND UNITARY PLAN OPERATIVE IN PART

PROPOSED PLAN CHANGE 106

Filming on Sites and Places of Significance for Mana Whenua

SUMMARY OF DECISIONS REQUESTED

Enclosed:

- **Explanation**
- **Summary of Decisions Requested**
- **Submissions**

Explanation

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by 05 December 2024
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

Summary of Decisions Requested

Plan Change 106 - Filming on Sites and Places of Significance to Mana Whenua				
Summary of Decisions Requested				
Sub #	Sub Point	Submitter Name	Address for Service	Summary of Decisions Requested
1	1.1	Tia Barrett	tia.barrett@outlook.co.nz	Approve the plan change without any amendments
2	2.1	Steep Street Film	steepstreetfilm@gmail.com	Approve the plan change without any amendments
3	3.1	Rob Bavin	artdirector@outlook.co.nz	Approve the plan change without any amendments
4	4.1	Richard Waite	rickwaite@yahoo.co.uk	Approve the plan change without any amendments
4	4.2	Richard Waite	rickwaite@yahoo.co.uk	Clarify what would qualify as ground disturbance
5	5.1	Barry SutherlandSmith	barrysmith1370@gmail.com	Approve the plan change without any amendments
5	5.2	Barry SutherlandSmith	barrysmith1370@gmail.com	Clarify what would qualify as ground disturbance or remove D21.6.4 Clause (b)
6	6.1	Advertising Producers Aotearoa	kriek1@gmail.com	Approve the plan change without any amendments
7	7.1	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	That Ngāti Whātua Ōrākei's ahi kā and mana whenua status within the 'heartland' of their rohe is recognised and provided for in the relevant provisions proposed to Chapter D21 of the AUP(OP) through PC106, and that their reo and identity is seen heard and provided for in any filming on sites and places of significance that Ngāti Whātua Ōrākei are the tangata whenua of
7	7.2	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	That only the hapū or iwi with the strongest relationship to the filming location (as defined in the proposed Note and amendments to Standard D21.6.4) should be engaged with for filming activities on identified SSMW
7	7.3	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	Oppose PC106, unless the amendments outlined in Ngāti Whātua Ōrākei's submission are incorporated
7	7.4	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	Retain the notified version of permitted activity standard applying to "Temporary activities for filming in public places for up to 30 days" and clarification that the filming activities must "be no more than 30 days" as set out in the notified Standard D21.6.4(1)(a).
7	7.5	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	Insert new Standard D21.6.4(c) "be in accordance with any requirements provided by the hapū or iwi with the strongest relationship to the filming location" [results in consequential change to numbering]
7	7.6	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	Amend new clause (d) to incorporate changes to subclauses (i), (ii) and (iv) to include the specific requirement that only the "appropriate" or "correct" hapū, and iwi which are recognised as "tangata whenua" and with the strongest relationship to the SSMW are engaged with on any proposals for development within identified SSMW. Refer to marked up changes in Attachment 2 of the submission.
7	7.7	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	Amend Standard D21.6.4 to insert the following new subclause (d): "Note: the hapū or iwi with the strongest relationship is the local hapū or iwi which is the tangata whenua of the place where the filming is to be undertaken, on the basis of take tūpuna (ancestral rights and obligations), take raupatu (the taking of land through traditional warfare), and tuku whenua (traditional gifting of land) which demonstrates mana i te whenua and ahi kā (continuous and unbroken occupation and use of land and sea)."
7	7.8	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	Retain the requirement to "consult" as opposed to "inform" on the filming activity in the notified version of Standard D21.6.4(c)(i). Refer to the submission for details.
7	7.9	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	Remove reference to "Iwi Film Protocol" and "Iwi Planning document" in Standard D21.6.4(c)(ii). Filming in SSMW to be consistent with any requirements provided by the hapū or iwi with the strongest relationship to the filming location, including any cultural impact assessment prepared for the filming activity.

Plan Change 106 - Filming on Sites and Places of Significance to Mana Whenua

Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Summary of Decisions Requested
7	7.10	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	If the amendments sought in submission points above are not incorporated into D21.6.4, the PC106 be declined and the requirement for resource consent as a restricted discretionary activity for temporary filming activities on SSMW is retained.
7	7.11	Ngāti Whātua Ōrākei Trust	clairer@nwo.iwi.nz	Request the power to determine applications for filming be transferred to the hapū or iwi with the strongest relationship to the filming location as per Option 5 in Attachment 5 to PC106 - Evaluation of Options.
8	8.1	Ngā Aho Whakaari	kay@ngaahowhakaari.org	Approve the plan change without any amendments
9	9.1	Spada Screen Producers New Zealand	sandy@spada.co.nz	Supports the opportunity for screen productions to access these (sites and places of significance) once again, in compliance with standards to protect and enhance the cultural values of these sites
10	10.1	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	dominic.wilson@aucklandcouncil.govt.nz	The provisions of PC106 be confirmed or amended to address the matters raised in this submission and Attachment 1 (refer to the submission)
10	10.2	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	dominic.wilson@aucklandcouncil.govt.nz	Amend activity (A3A) in Table D21.6.1 Activity Table to include "or land administered by the Tūpuna Maunga Authority" as a permitted activity.
10	10.3	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	dominic.wilson@aucklandcouncil.govt.nz	Insert new activity (A3B) into Table D21.4.1 Activity Table as follows: "Temporary activities for concerts, fairs, festivals and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days that comply with Standard D21.6.5".
10	10.4	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	dominic.wilson@aucklandcouncil.govt.nz	Amend proposed Standard D21.6.4 by adding "or on land administered by the Tūpuna Maunga Authority" to the heading and first sentence in (1).
10	10.5	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	dominic.wilson@aucklandcouncil.govt.nz	Amend proposed Standard D21.6.4 (c) by adding "including those required by the Tūpuna Maunga Authority where on land administered by the Tūpuna Maunga Authority".
10	10.6	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	dominic.wilson@aucklandcouncil.govt.nz	Insert new "Standard D21.6.5 Temporary activities for concerts, fairs, festival and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days (1) Any temporary activity for concerts, fairs, festivals and events must: (a) be no more than six consecutive days; (b) not involve any land disturbance; (c) be undertaken by or under the direction of the Tūpuna Maunga Authority; (d) maintain access for customary activities; and (e) apply tikanga as informed by integrated Management Plan and Strategies".

Submissions

From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 106 - Tia Barrett
Date: Thursday, 3 October 2024 10:15:28 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Tia Barrett

Organisation name:

Agent's full name:

Email address: tia.barrett@outlook.co.nz

Contact phone number:

Postal address:
 17a peachgrove road
 Hamilton east
 Hamilton 3216

Submission details

This is a submission to:

Plan change number: Plan Change 106

Plan change name: PC 106: Filming on Sites and Places of Significance to Mana Whenua

My submission relates to

Rule or rules:

Any temporary activity for filming in a public place must: (a) be no more than 30 days; (b) not involve any land disturbance; (c) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to; i. confirm that Mana Whenua have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site; ii. iii. iv. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity; maintain access for customary activities throughout filming; and apply tikanga as informed by Mana Whenua.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

From experience as a Māori artist who is mana whenua to areas within Tamaki Makaurau and has gone through all said rules to film on Maungakiekie earlier this year. This is an excellent approach to filming on sites of significance, as identified by Tamaki Makaurau mana whenua. As I was reaching out one by one to key representatives of hapū in Tamaki, they would let me know the tikanga they were comfortable with that I partake in as an artist. I up-held all their requests, and actually, a positive from this was making new connections and partaking in whakawhanaungatanga.

I or we seek the following decision by council: Approve the plan change without any amendments

1.1

Details of amendments:

Submission date: 3 October 2024

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

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our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 106 - Sue Marshall
Date: Wednesday, 16 October 2024 4:01:14 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Sue Marshall

Organisation name: Steep Street Film

Agent's full name: Sue Marshall

Email address: steepstreetfilm@gmail.com

Contact phone number:

Postal address:
 69 Greenacres St Macandrew Bay
 Dunedin
 Dunedin 9014

Submission details

This is a submission to:

Plan change number: Plan Change 106

Plan change name: PC 106: Filming on Sites and Places of Significance to Mana Whenua

My submission relates to

Rule or rules:
 D21.6.4 Temporary activities for filming in public places for up to 30 days

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
 The changes in the provision are entirely reasonable and adequate for a low level use by any party.

I or we seek the following decision by council: Approve the plan change without any amendments

2.1

Details of amendments:

Submission date: 16 October 2024

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 106 - Rob Bavin
Date: Thursday, 17 October 2024 8:16:01 am

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Rob Bavin

Organisation name:

Agent's full name:

Email address: artdirector@outlook.co.nz

Contact phone number:

Postal address:

Glenorchy
Auckland 1071

Submission details

This is a submission to:

Plan change number: Plan Change 106

Plan change name: PC 106: Filming on Sites and Places of Significance to Mana Whenua

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:

My submission supports the need for plan changes that aim to enable temporary filming activities as a permitted activity

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I have seen first hand how the current plan has severely negatively impacted the ability to film in Auckland. I have personally heard different international producers (producers who are the decision makers on whether or not to bring a project to Auckland, or even New Zealand at all) verbally show frustration at the current plan and mention that it really makes them question why they choose to film here in Auckland. I strongly believe that the current status quo played a strong part in the decision to not bring a particular project back to Auckland for a third series and for the studio to not bring any subsequent projects here. For this reason I support this change to the plan

I or we seek the following decision by council: Approve the plan change without any amendments

3.1

Details of amendments:

Submission date: 17 October 2024

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 106 - Richard Waite
Date: Thursday, 17 October 2024 9:15:53 am

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Richard Waite

Organisation name:

Agent's full name:

Email address: rickwaite@yahoo.co.uk

Contact phone number:

Postal address:

Auckland

Submission details

This is a submission to:

Plan change number: Plan Change 106

Plan change name: PC 106: Filming on Sites and Places of Significance to Mana Whenua

My submission relates to

Rule or rules:

Temporary activities for filming in public places for up to 30 days

Property address:

Map or maps:

Other provisions:

What would qualify as "Ground disturbance" in such areas ? Would putting a land anchor or ground peg qualify ?

4.2

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

My view is that with the correct management and procedures in place, these sites and places should be able to be filmed in without going through the resource consent process.

I or we seek the following decision by council: Approve the plan change without any amendments

4.1

Details of amendments:

Submission date: 17 October 2024

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 106 - Barry Sutherland Smith
Date: Thursday, 17 October 2024 9:46:13 am

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Barry Sutherland Smith

Organisation name:

Agent's full name:

Email address: barrysmith1370@gmail.com

Contact phone number:

Postal address:
 682 great north road
 Grey lynn
 Auckland 1021

Submission details

This is a submission to:

Plan change number: Plan Change 106

Plan change name: PC 106: Filming on Sites and Places of Significance to Mana Whenua

My submission relates to

Rule or rules:
 Proposed Plan Change 106 - D21.6.4

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I suggest more clarification on the ground disturbance aspect, or ideally, removing D21.6.4 clause (b) altogether at this policy level, leaving such details to be handled through permit restrictions managed by Screen Auckland.

5.2

I or we seek the following decision by council: Approve the plan change with the amendments requested

5.1

Details of amendments: Remove D21.6.4 clause (b)

Submission date: 17 October 2024

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 106 - Kristian Eek
Date: Tuesday, 22 October 2024 10:30:42 am
Attachments: [APA - Filming on Sites and Places of Significance to Mana Whenua October 2024_20241022102553.962.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kristian Eek

Organisation name: Advertising Producers Aotearoa (APA)

Agent's full name: Kristian Eek

Email address: kriek1@gmail.com

Contact phone number:

Postal address:
 90 Beresford Street West
 Freemans Bay
 Auckland 1011

Submission details

This is a submission to:

Plan change number: Plan Change 106

Plan change name: PC 106: Filming on Sites and Places of Significance to Mana Whenua

My submission relates to

Rule or rules:
 Overall comment on Plan Change 106

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
 Please see attached letter of support.

I or we seek the following decision by council: Approve the plan change without any amendments

6.1

Details of amendments:

Submission date: 22 October 2024

Supporting documents
 APA - Filming on Sites and Places of Significance to Mana Whenua October 2024_20241022102553.962.pdf

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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Tuesday, 22 October 2024

To: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Auckland 1010

From: Advertising Producers Aotearoa

Cc: Screen Auckland

Plan Change 106 for Filming on Sites and Places of Significance to Mana Whenua

APA, representing TV commercial production company and advertising agency producers, strongly support the proposed plan change in regards to Filming on Sites and Places of Significance to Mana Whenua.

The current resource consent requirement for filming on Sites and Places of Significance was a huge regulatory own goal, not to mention a complete surprise to both mana whenua and the screen industry.

To the screen industry this has been a disaster in many ways:

1. It has meant that many frequently used and important filming sites are now practically unavailable to most productions due to the huge cost and extended timeframes associated with a resource consent application.
2. The additional uncertainty about where we can or can't film was another blow to Auckland's already tattered reputation for not being a very "film friendly" city.

The combined result being that both local and international productions are less likely to want to film in Auckland (read: less employment and less economic activity for the Auckland region).

The good news is that this problem brought us together. Over the last year there has been some amazing mahi and some much needed and in-depth korero between mana whenua, the screen industry and Screen Auckland. We have found that we all have a lot in common, and that a strong screen industry benefits both mana whenua and our screen industry, including the many colleagues among us who are Māori.

APA has always supported and will continue to support kaupapa Māori. We believe in the importance of tikanga as a key principal for making our city and our industry work for all Aucklanders. We support the proposed Plan Change and believe it will have huge financial and cultural benefits to Auckland.

Thank you to everyone who has participated in finding a solution to this unnecessary problem.
And thank you to Screen Auckland for driving this process over the last year.

Ngā mihi!

On behalf of APA:

Kristian Eek
Producer / APA Board Member / Film Auckland Board Member
Mob: 0274 988 250
Email: kriek1@gmail.com

From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 106 - Claire Rorke
Date: Wednesday, 23 October 2024 8:45:58 am
Attachments: [241024_PC106_NWO Submission_FINAL.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Claire Rorke

Organisation name: Ngāti Whātua Ōrākei Trust

Agent's full name:

Email address: clairer@nwo.iwi.nz

Contact phone number: 0211309642

Postal address:

PO Box 90465

Victoria Street

Auckland 1142

Submission details

This is a submission to:

Plan change number: Plan Change 106

Plan change name: PC 106: Filming on Sites and Places of Significance to Mana Whenua

My submission relates to

Rule or rules:

As set out in attached submission

Property address: As set out in attached submission

Map or maps: As set out in attached submission

Other provisions:

As set out in attached submission

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

As set out in attached submission

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: As set out in attached submission

Submission date: 23 October 2024

Supporting documents

[241024_PC106_NWO Submission_FINAL.pdf](#)

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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To: Auckland Council

Re: Submission on Plan Change 106 – Filming on Sites and Places of Significance to Mana Whenua (**PC106**) – Ngāti Whātua Ōrākei Trust (**Ngāti Whātua Ōrākei**)

Name of Submitter: Ngāti Whātua Ōrākei Trust Attn: Claire Rorke

Address for Service: Claire Rorke (clairer@nwo.iwi.nz)

Date: 24 October 2024

Ko Maungakiekie te maunga

Ko Waitematā te moana

Ko Te Taoū, ko Ngāoho, ko Te Uringutu ngā hapū

Ko Ngāti Whātua Ōrākei te iwi

Submission Information:

This is a submission by Ngāti Whātua Ōrākei on the Proposed Plan Change (**PC106**) on Filming on Sites and Places of Significance to Mana Whenua.

The specific provisions of PC106 that Ngāti Whātua Ōrākei's submission relates to and reasons for Ngāti Whātua Ōrākei's position in relation to those provisions are set out in Section 3.0 of this submission.

Ngāti Whātua Ōrākei opposes PC106, unless the amendments sought to the proposed permitted activity standard are included in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay of the Auckland Unitary Plan (Operative in Part), as listed in **Attachment 1** and marked up in **Attachment 2**.

Ngāti Whātua Ōrākei could not gain an advantage in trade competition through this submission.

Ngāti Whātua Ōrākei wishes to be heard in support of this submission.



1.0 Introduction to Ngāti Whātua Ōrākei

Ngāti Whātua Ōrākei Trust represents the collective rangatiratanga and tribal authority of the descendants of Tuperiri who established Ngāti Whātua Ōrākei mana in Tāmaki, the central Auckland Isthmus and Waitematā from the 1740s. As such, every member of Ngāti Whātua Ōrākei can trace their whakapapa to Tuperiri and are descended from the 3 hapū (sub-tribes): Te Taoū, Ngāoho, and Te Uringutu, collectively referred to as Ngāti Whātua Ōrākei. Ngāti Whātua Ōrākei is driven by its vision *kia rere te kāhu pokere ki ngā taumata tiketike* (to soar and fly to the highest heights) and its mahi is underpinned by its uara, the values that ground it to tikanga Māori.

Ngāti Whātua Ōrākei are the tangata whenua of central Tāmaki the tangata moana of the northern Manukau Harbour and the Waitematā on the basis of take tūpuna (ancestral rights and obligations), take raupatu (the taking of land through traditional warfare), tuku whenua (traditional gifting of land) which demonstrates mana i te whenua; and ahi kā (continuous and unbroken occupation and use of land and sea). Our people have lived off the bounty of the Tāmaki since the mid-18th century. The rohe of Ngāti Whātua Ōrākei – Te Kahu Tōpuni o Tuperiri – is shown in **Figure 1** below.

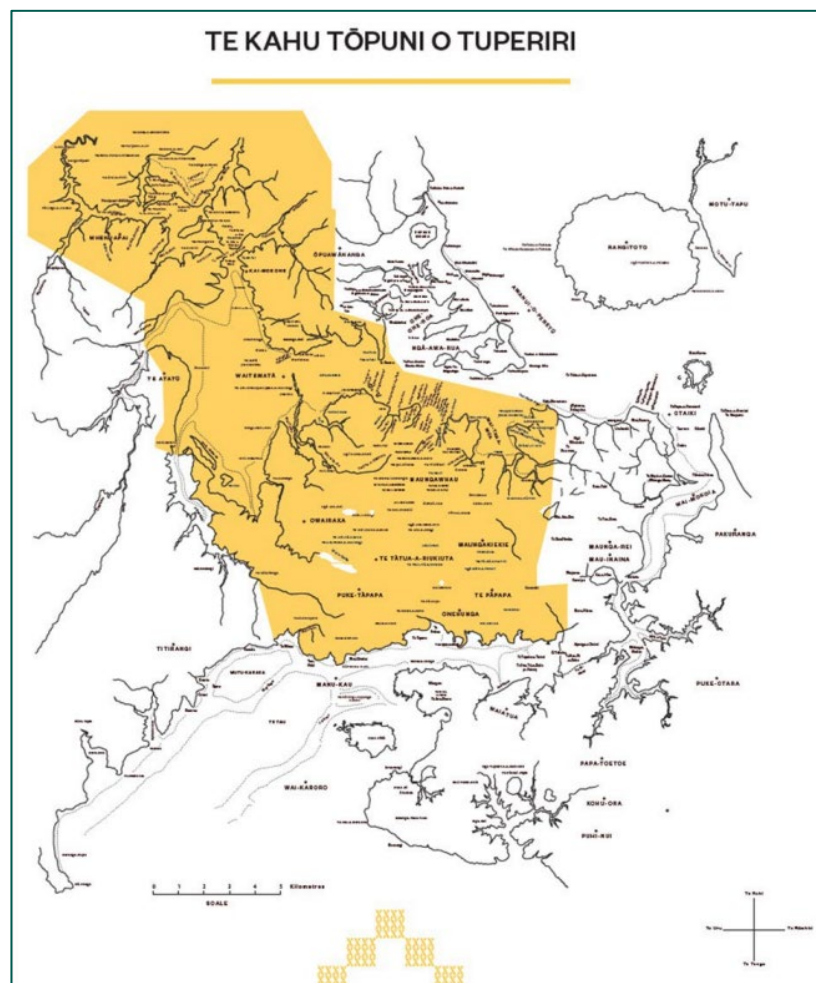


Figure 1 Map showing Ngāti Whātua Ōrākei's rohe in Tāmaki Makaurau – Te Kahu Tōpuni o Tuperiri.



Ngāti Whātua Ōrākei have approximately 7,500 Hapū members throughout Aotearoa New Zealand and around the world. Located in and around the Tāmaki isthmus, in the largest city in Aotearoa, we hold firm to our history, culture, identity and language. While Hapū members are located throughout the motu, the vast majority reside in Tāmaki Makaurau. Today the collective affairs of Ngāti Whātua Ōrākei are looked after by the Ngāti Whātua Ōrākei Trust. Its purpose is to ensure the cultural, commercial, and social development of Ngāti Whātua Ōrākei for the benefit of its members through receiving, administering, managing, protecting, and governing its assets.

2.0 PC 106: Filming on Sites and Places of Significance to Mana Whenua

Proposed Plan Change 106 (**PC106**) is a council-initiated plan change, which seeks to amend the process for temporary filming on Sites and Places of Significance to Mana Whenua (**SSMW**), under the Auckland Unitary Plan (Operative in Part) (**AUP(OP)**). PC106 was publicly notified on 26 September 2024.

The SSMW Overlay (Chapter D21 of the AUP(OP)) applies to sites and places that have been scheduled and protected for their significance to mana whenua. Schedule 12 of the AUP(OP) lists all sites and places within the overlay, and in some instances specifies the tangata whenua who nominated the site and/or place.

By way of background, Ngāti Whātua Ōrākei have recently made a formal submission on Plan Change 102: Sites and Places of Significance to Mana Whenua Tranche 2a, to the AUP(OP). Through that submission Ngāti Whātua Ōrākei have sought to add additional SSMW to Schedule 12 and to update the schedule to list the relevant Mana Whenua group that nominated each of the scheduled SSMW, in the 'Nominated by Mana Whenua' column, subject to ensuring only the 'appropriate' or 'local' iwi and hapū who are the tangata whenua at place (and so those who hold ahi kā status) for the relevant site and/or place are recognised as the nominating group.

PC106 seeks to enable temporary filming activities as a permitted activity on Sites and Places of Significance to Mana Whenua, subject to compliance with the proposed permitted activity standard D21.6.4 for Temporary activities for filming in public places for up to 30 days, which seeks to protect and enhance the cultural values of these sites, as set out below:

D21.6.4 Temporary activities for filming in public places for up to 30 days

(1) Any temporary activity for filming in a public place must:

(a) be no more than 30 days;

(b) not involve any land disturbance;

(c) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to;

i. confirm that Mana Whenua have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site;



- ii. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity;
- iii. maintain access for customary activities throughout filming; and
- iv. apply tikanga as informed by Mana Whenua.

3.0 Ngāti Whātua Ōrākei – General Comments

3.1 Overall Approach

Ngāti Whātua Ōrākei are generally supportive of PC106's purpose to enable temporary filming activities as a permitted activity on SSMW that are on council-controlled public places, subject to compliance with standards to protect and enhance the cultural values of these sites.

However, Ngāti Whātua Ōrākei **opposes** PC106 in its notified form, and considers that the amendments sought in **Attachment 1** and marked up in **Attachment 2** must be incorporated, to ensure that those who are the 'right' tāngata whenua of the place where filming activities will take place on SSMW are appropriately engaged with and involved in the decision-making processes.

3.2 Filming within the rohe of Ngāti Whātua Ōrākei

There has been an increasing demand for Ngāti Whātua Ōrākei whenua or whenua of significance to Ngāti Whātua Ōrākei to be used on a temporary basis for filming, and this has necessitated Ngāti Whātua Ōrākei taking a stronger role in the filming co-ordination, approval and operational stages.

Ngāti Whātua Ōrākei continue to refine our requirements for filming in our rohe. Our approach generally promotes mutual respect, understanding and provides production companies with information which allows them to plan effectively.

At a high-level, the issues of concern to Ngāti Whātua Ōrākei when filming occurs in our rohe include:

- (a) Consulting with the wrong iwi or hapū through Council's blanket 'all-iwi' approach and direction to applicants to notify and consult up to 19 iwi;
- (b) Protecting intellectual property, including spiritual, cultural, historical, and/or traditional property;
- (c) Ensuring appropriate use of indigenous knowledge;
- (d) Avoiding misuse or misappropriation of iwi history, stories, and/or legends;
- (e) Avoiding inappropriate use of culturally significant sites, e.g. Maungakiekie, Maungawhau, and marae;
- (f) Ensuring culturally appropriate subject matter;
- (g) Managing adverse effects on the environment, including crew, vehicle and plant movement; structures, and temporary buildings; and measures taken to reduce the impact;
- (h) Ensuring adequate resourcing to assist the production company to obtain any required consents; and



- (i) Ensuring adequate resourcing for iwi liaisons to ensure that tikanga is appropriately applied when filming close to sites of significance to Ngāti Whātua Ōrākei.

3.3 Recognition of Tangata Whenua

As a general overarching comment, Ngāti Whātua Ōrākei's position is that only "appropriate" and correct iwi and hapū must be considered, consulted and involved in plan and resource consent processes that relate to temporary activities on identified SSMW.

Ngāti Whātua Ōrākei therefore seeks that the proposed Standard D21.6.4 notified as part of PC106, is amended to ensure that it is the 'appropriate' or 'local' hapū, and iwi who are the tangata whenua at place (and so those who hold ahi kā status) for the relevant site and/or place who are consulted with when filming activities take place on any SSMW. Ngāti Whātua Ōrākei is concerned that failure to involve those who are the 'right' tangata whenua in decision making processes associated with the SSMW that have been nominated by them, could lead to poor outcomes. Similarly, recognising and consulting entities who are not tangata whenua may result in unnecessary delays and conflicts in decision making processes. This ultimately leads to a more costly and cumbersome process for all parties involved.

Ngāti Whātua Ōrākei exercises its tangata whenua status within the 'heartland' of our rohe (as shown in **Figure 2** below).

The High Court has issued a declaration that Ngāti Whātua Ōrākei has ahi kā and mana whenua within this area (see *Ngāti Whātua Ōrākei Trust v Attorney-General* (No.5) [2023] NZHC 74 at [8]):

"Ngāti Whātua Ōrākei currently have ahi kā and mana whenua in relation to the area identified in Map 1 of the substantive judgment of 28 April 2022 in central Tāmaki Makaurau, with all the obligations at tikanga that go with that, according to the tikanga and historical tribal narrative and tradition of Ngāti Whātua Ōrākei."

Allowing any iwi and hapū to participate in engagement and decision making relating to filming on SSMW, without considering whether they are the 'right' hapū and iwi to do so facilitates further claims upon territories and resources within the rohe of tangata whenua (as Ngāti Whātua Ōrākei has historically experienced in Local Government Act and Resource Management Act processes). This is not just an issue for Ngāti Whātua Ōrākei, but many iwi and hapū throughout Tāmaki Makaurau and Aotearoa.

Ngāti Whātua Ōrākei has been frustrated by the persistent lack of direction being displayed by Auckland Council in this space. Too often the Council incorrectly groups Ngāti Whātua Ōrākei with other iwi and hapū in engagement on Council projects. On a number of occasions, various iwi and hapū have been erroneously involved in engagement for projects within our SSMW in central Tāmaki where we hold ahi kā status. At other times, Ngāti Whātua Ōrākei has been consulted on projects within parts of the wider region where we would expect to defer to those iwi and hapū who hold ahi kā status there. Such inefficiencies have led to instances of the "appropriate" iwi and hapū not being



involved at all, or their feedback being lost or detracted from throughout the process. Not only do these actions by the Council fail to acknowledge our status as tangata whenua in central Tāmaki, but enabling up to 21 iwi / hapū to consult on and be involved in significant decision-making processes results in substantial inefficiencies and additional costs. This is completely unsatisfactory in all instances, but particularly in relation to filming activities on SSMW.

Ngāti Whātua Ōrākei requests that our reo and identity is seen, heard and provided for in any filming on sites and places of significance that Ngāti Whātua Ōrākei are the tangata whenua of. This outcome can be achieved through the Council, Tātaki Auckland Unlimited and film producers intentionally and meaningfully working only with Ngāti Whātua Ōrākei for films within our heartland and rohe (as identified in **Figure 2** below).

That outcome can be achieved through amending the new permitted activity standard D21.6.4 to require temporary filming activities on SSMW be undertaken in accordance with any requirement provided by the hapū or iwi with the strongest relationship to the SSMW and require the permit applicant/holder to intentionally and meaningfully work only with the appropriate iwi and hapū on the identified SSMW, instead of engaging with all 21 iwi and hapū for all projects, regardless of where they are located, as a tick-box exercise. Ngāti Whātua Ōrākei's position goes both ways. While Ngāti Whātua Ōrākei wish to exercise its mana whenua status within the 'heartland' of our rohe (as shown in **Figure 2** below), we also seek the mana whenua and tangata whenua status of other iwi and hapū for other sites outside of Ngāti Whātua Ōrākei's rohe is acknowledged and recognised. Additionally, Ngāti Whātua Ōrākei acknowledges that some other iwi have strong connections to our rohe. Through our own tikanga and whanaungatanga we would also engage with them on a case-by-case basis if the strength of their take or relationship warrants it.

A failure to intentionally and meaningfully engage with Ngāti Whātua Ōrākei, at least in relation to the sites and places of significance that Ngāti Whātua Ōrākei are the tangata whenua of within our rohe, fails to recognise and provide for Ngāti Whātua Ōrākei's ahi kā and mana whenua status as declared by the High Court and may result in unnecessary delays, costs and conflicts in decision making and other processes for all involved.

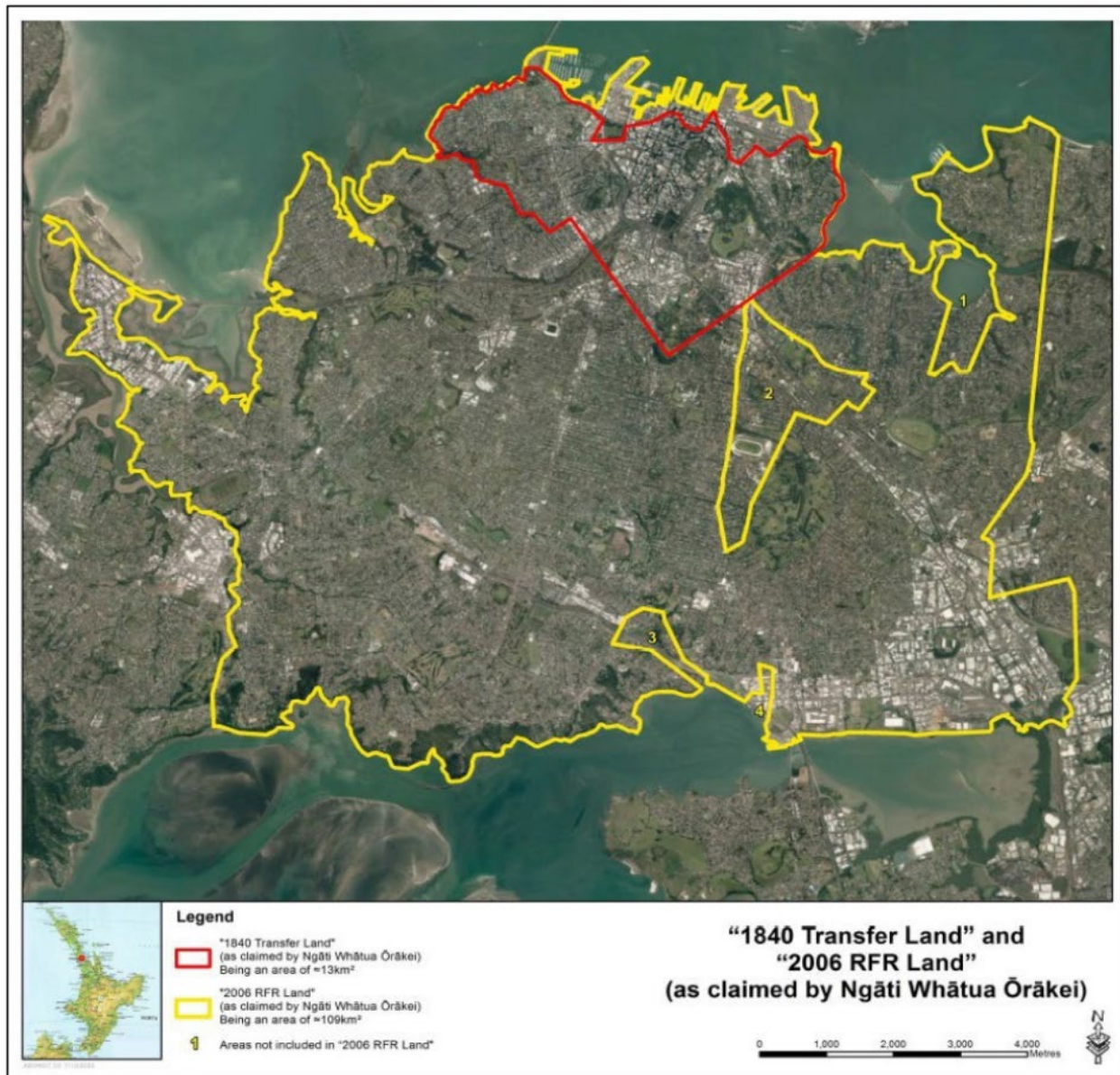


Figure 2 Ngāti Whātua Ōrākei 'heartland' of rohe

4.0 Conclusion

In conclusion, Ngāti Whātua Ōrākei seeks the following relief:

- (a) That Ngāti Whātua Ōrākei's ahi kā and mana whenua status within the 'heartland' of our rohe is recognised and provided for in the relevant provisions proposed to Chapter D21 of the AUP(OP) through PC106, and that our reo and identity is seen heard and provided for in any filming on sites and places of significance that Ngāti Whātua Ōrākei are the tangata whenua of;
- (b) That only the hapū or iwi with the strongest relationship to the filming location (as defined in the proposed Note and amendments to Standard D21.6.4) should be engaged with for filming activities on identified SSMW;

7.1

7.2



- (c) The specific amendments sought in Attachment 1 and as marked-up in Attachment 2; and
- (d) Any other further necessary consequential amendments required to achieve the relief sought.

Ngāti Whātua Ōrākei looks forward to working collaboratively with Auckland Council and Tātaki Auckland Unlimited to address the above relief and is happy to meet with Auckland Council planning policy staff or consultants to work through these matters.

Attachment 1: Specific Submission Points on PC106

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
1	Overall Approach	Oppose, amendments seek	Ngāti Whātua Ōrākei is supportive of the general approach to and purpose of PC106, noting the more detailed comments provided in Section 3.1 above.	Oppose PC106, unless the amendments outlined in Ngāti Whātua Ōrākei's submission above and below and as marked up in Attachment 2 are incorporated.	7.3
2	Clarity of duration of filming activities that are permitted	Support	Ngāti Whātua Ōrākei is supportive of the permitted activity standard description, as per the notified version of PC106.	Retain the notified version of permitted activity standard applying to "Temporary activities for filming in public places for up to 30 days" and clarification that the filming activities must "be no more than 30 days" as set out in notified Standard D21.6.4(1)(a) below: <u>D21.6.4 Temporary activities for filming in public places for up to 30 days</u> <u>(1) Any temporary activity for filming in a public place must:</u> <u>(a) be no more than 30 days;</u>	7.4
3	Recognition of correct Tangata Whenua	Oppose, amendments seek	Ngāti Whātua Ōrākei seeks that there is specific acknowledgement and provision for engagement only with the "correct" hapū, and iwi which are recognised as "tangata whenua" and with the strongest relationship to the SSMW / filming location, for the reasons outlined in Section 3.2 above.	Amend PC106 to include specific requirement that only the "appropriate" or "correct" hapū, and iwi which are recognised as "tangata whenua" and with the strongest relationship to the SSMW are engaged with on any proposals for development within identified SSMW, as shown as mark-ups to the notified Standard below (and in Attachment 2).	7

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
				<p>Add new Standard at D21.6.4(c): <u>(c) be in accordance with any requirements provided by the hapū or iwi with the strongest relationship to the filming location;</u></p> <p>And amendments to Standard D21.6.4(d)(i), (ii) and (iv): <u>(ed) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to;</u></p> <p>(i) confirm that <u>the hapū or iwi with the strongest relationship to the filming location</u> Mana Whenua have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site;</p> <p>(ii) be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity <u>by the hapū or iwi with the strongest relationship to the filming location;</u></p> <p>(iv) apply tikanga as informed by <u>the hapū or iwi with the strongest relationship to the filming location</u> Mana Whenua.</p>

7.5

7.6

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought	
				<p>Inclusion of a Note as follows:</p> <p>"Note: the hapū or iwi with the strongest relationship is the local hapū or iwi which is the tangata whenua of the place where the filming is to be undertaken, on the basis of take tūpuna (ancestral rights and obligations), take raupatu (the taking of land through traditional warfare), and tuku whenua (traditional gifting of land) which demonstrates mana i te whenua and ahi kā (continuous and unbroken occupation and use of land and sea)."</p>	7.7
4	Level of engagement required	Support in part	Ngāti Whātua Ōrākei is supportive of the requirement for film producers to consult on rather than to inform of the filming activity. Nonetheless, Ngāti Whātua Ōrākei seek amendments to ensure that the required consultation is with the hapū or iwi with the strongest relationship to the filming location as opposed to Mana Whenua generally.	<p>Retain the notified version (with amendments sought in Submission point 3 above) requiring the hapu or iwi with the strongest relationship to the filming location to be "consulted on" the filming activity, as opposed to "informed of" the filming activity, as set out in the marked-up version of Standard D21.6.4(c)(i) below (and in Attachment 2):</p> <p>(c) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to;</p> <p>i. confirm that Mana Whenua the hapū or iwi with the strongest relationship to the filming location, have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site;</p>	7.8

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
5	Remove reference to iwi film protocols and iwi planning documents	Oppose, amendment seek	<p>Ngāti Whātua Ōrākei opposes the requirement for filming in SSMW to be in accordance with any 'relevant iwi film protocol or iwi planning document' as these are not defined in the AUP(OP) and there is no clarity on who would prepare an iwi film protocol.</p> <p>Ngāti Whātua Ōrākei prefers primary engagement with the appropriate iwi or hapū to outline any filming requirement on SSMW.</p> <p>Ngāti Whātua Ōrākei considers it more appropriate for filming in SSMW to be consistent with any requirements provided by the hapū or iwi with the strongest relationship to the filming location, including any cultural impact assessment prepared for the filming activity.</p>	<p>Remove reference to 'Iwi Film Protocol' and 'Iwi Planning document' in Standard D21.6.4(c)(ii) as marked up below and in Attachment 2:</p> <p>(c) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to;</p> <p>...</p> <p>ii. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity <u>by the hapū or iwi with the strongest relationship to the filming location</u>;</p>
6	Transfer powers to Mana Whenua	Oppose, amendment seek	<p>Ngāti Whātua Ōrākei considers that if the relief sought in submission points 1-5 above are not incorporated into PC106 and the new permitted activity standard D21.6.4 for Temporary activities for filming in public places for up to 30 days is not amended</p>	<p>If the amendments sought in Submission points 1-5 above are not incorporated into D21.6.4, Ngāti Whātua Ōrākei seek that PC106 is declined, and the requirement for resource consent as a restricted discretionary activity for temporary filming activities on SSMW is retained.</p>

7.9
7.10

Sub #	Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
			<p>accordingly, PC106 should be declined.</p> <p>Ngāti Whātua Ōrākei does not support PC106 in its notified form, and considers that if the amendments sought above are not incorporated, the current provisions in the AUP(OP) must be retained, including the requirement for resource consent as a restricted discretionary activity for temporary filming activities within SSMW. If the current activity status is retained, Ngāti Whātua Ōrākei also seek that the power to determine applications for filming is transferred to the hapū or iwi with the strongest relationship to the filming location (as per Option 5 in Attachment 5 to PC106 - Evaluation of Options).</p>	<p>Ngāti Whātua Ōrākei also request that the power to determine applications for filming is transferred to the hapū or iwi with the strongest relationship to the filming location, (as per Option 5 in Attachment 5 to PC106 - Evaluation of Options).</p>

7.11 Type

Attachment 2: Proposed Amendments to Notified Standard D21.6.4

D21.6.4 Temporary activities for filming in public places for up to 30 days

(1) Any temporary activity for filming in a public place must:

- (a) be no more than 30 days;
- (b) not involve any land disturbance;
- (c) be in accordance with any requirements provided by the hapū or iwi with the strongest relationship to the filming location;
- (d) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to;
 - i. confirm that the hapū or iwi with the strongest relationship to the filming location ~~Mana Whenua~~ have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site;
 - ii. be consistent with any ~~relevant iwi film protocol, iwi planning document, or~~ cultural impact assessment prepared for the filming activity by the hapū or iwi with the strongest relationship to the filming location;
 - iii. maintain access for customary activities throughout filming; and
 - iv. apply tikanga as informed by the hapū or iwi with the strongest relationship to the filming location ~~Mana Whenua~~.

Note: the hapū or iwi with the strongest relationship is the local hapū or iwi which is the tangata whenua of the place where the filming is to be undertaken, on the basis of take tūpuna (ancestral rights and obligations), take raupatu (the taking of land through traditional warfare), and tuku whenua (traditional gifting of land) which demonstrates mana i te whenua; and ahi kā (continuous and unbroken occupation and use of land and sea).

From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 106 - Kay Ellmers
Date: Wednesday, 23 October 2024 2:45:58 pm
Attachments: [Ngā Aho Whakaari submission_PC 106 Filming on SPSMW.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kay Ellmers
 Organisation name: Ngā Aho Whakaari
 Agent's full name: Kay Ellmers
 Email address: kay@ngaahowhakaari.org
 Contact phone number:
 Postal address:
kay@ngaahowhakaari.org
 Grey Lynn
 Auckland 1021

Submission details

This is a submission to:

Plan change number: Plan Change 106
 Plan change name: PC 106: Filming on Sites and Places of Significance to Mana Whenua

My submission relates to

Rule or rules:
 'Identify filming on public places as a permitted activity subject to meeting permitted development standards'.

Property address: various

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
 Reasons

1) Our position is guided first and most importantly by the Iwi and Hapu of Tamaki Makaurau, informed by the summary of feedback from Mana Whenua provided in the plan change documents. While we acknowledge that there may not have been consensus in the consultation process, we are satisfied by the summary:
 "Overall, feedback from those engaged was support in principle for a plan change."

2) As a representative body for Māori Screen Sector practitioners, we agree that "The proposed plan change supports a more enabling regulatory framework to support filming on scheduled sites and places of significance to Mana Whenua in council-controlled public places to support economic

growth, including potential economic benefits for iwi, hapū, and Māori involved in filming activities.”

We support the desire to maintain Tamaki Makaurau as competitive and attractive filming location and believe that this proposed change reduces compliance barriers and provides an opportunity for enhanced and more meaningful engagement between the screen sector and the relevant iwi and hapu groups.

I or we seek the following decision by council: Approve the plan change without any amendments | 8.1

Details of amendments:

Submission date: 23 October 2024

Supporting documents

Ngā Aho Whakaari submission_ PC 106 Filming on SPSMW.pdf

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

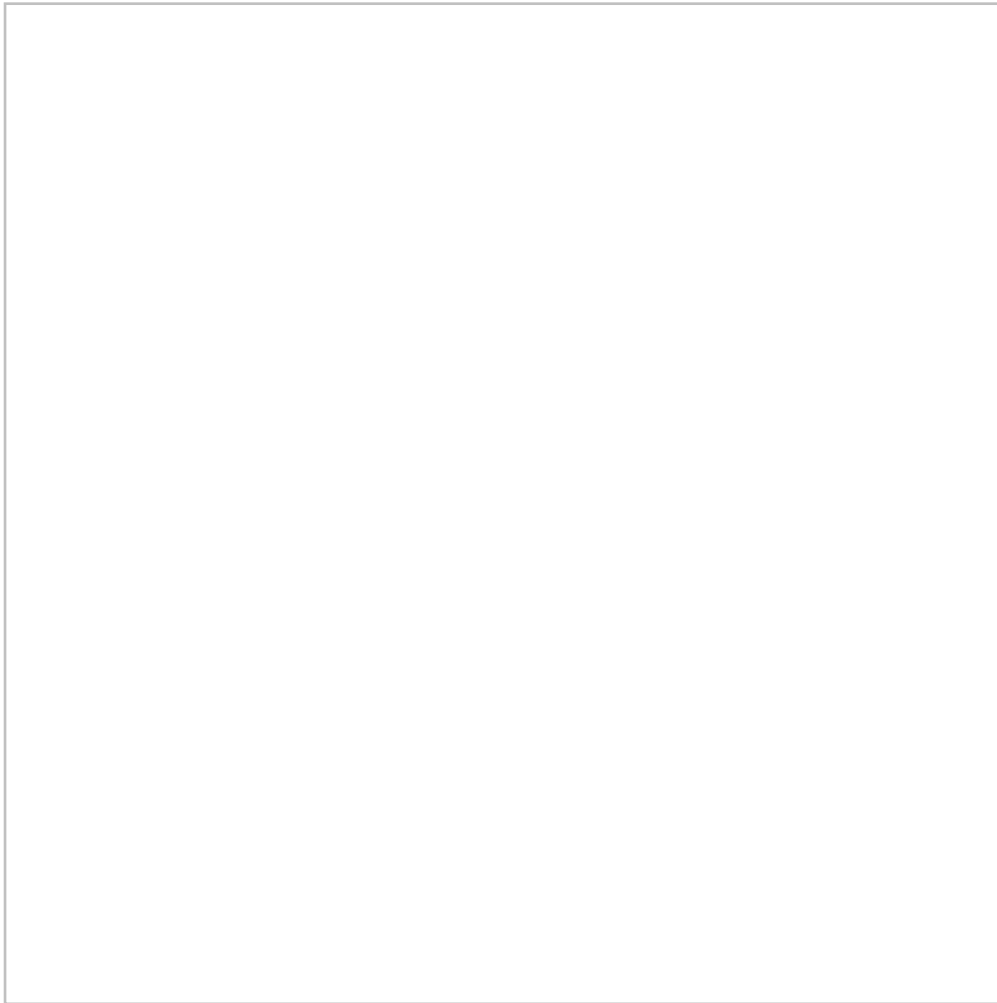
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



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Māori in Screen

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23/10/2024

Submitter

Kay Ellmers

Tumu Whakarae | Executive Director

Ngā Aho Whakaari

kay@ngaahowhakaari.org

027 4899 686

PC 106: Filming on Sites and Places of Significance to Mana Whenua

Submission on behalf of: Ngā Aho Whakaari| Māori in Screen

E ngā mana, e ngā reo, e ngā rau rangatira mā, tēnā koutou.

Founded in 1996, Ngā Aho Whakaari (NAW) is a not-for-profit organization with a rich legacy, dedicated to promoting cultural excellence, self-determination, and indigenous leadership in the screen industry. Our mission is to uplift tangata whenua and Indigenous creatives, advocating for our unique perspectives, narratives, and artistic expressions within the global screen industries.

We have approximately 900 registered members.

Position

Ngā Aho Whakaari **supports** the proposed change to 'Identify filming on public places as a permitted activity subject to meeting permitted development standards'.

We understand the plan change will remove the need for resource consent on scheduled sites and places of significance to Mana Whenua in council-controlled public places. Instead, the council will rely on the film permit process as an alternative non-statutory method to ensure the cultural values and associations of Mana Whenua with their sites and places of significance are protected and enhanced.



**Ngā Aho
Whakaari**
Māori in Screen

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Reasons

- 1) Our position is guided first and most importantly by the Iwi and Hapu of Tamaki Makaurau, informed by the summary of feedback from Mana Whenua provided in the plan change documents.

While we acknowledge that there may not have been consensus in the consultation process, we are satisfied by the summary:

“Overall, feedback from those engaged was support in principle for a plan change.”

- 2) As a representative body for Māori Screen Sector practitioners, we agree that “The proposed plan change supports a more enabling regulatory framework to support filming on scheduled sites and places of significance to Mana Whenua in council-controlled public places to support economic growth, including potential economic benefits for iwi, hapū, and Māori involved in filming activities.”

We support the desire to maintain Tamaki Makaurau as competitive and attractive filming location and believe that this proposed change reduces compliance barriers and provides an opportunity for enhanced and more meaningful engagement between the screen sector and the relevant iwi and hapu groups.

Hearing Participation

We are NOT requesting to be heard in support of this submission but are open to providing further information if required.

Ngā mihi nui mō te whai whakaaro ki tā mātou tono.



Ngā Aho
Whakaari
Māori in Screen

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23 October 2024

John Duguid
General Manager -
Planning and Resource Consents
Auckland Council

Via email: unitaryplan@aucklandcouncil.govt.nz

Kia ora John,

RE: Proposed Plan Change 106 – Filming on Sites and Places of Significance to Mana Whenua strict Plan Review of Temporary Activities - Filming

The Screen Producers New Zealand (Spada) welcomes the opportunity to provide feedback to Auckland Council on proposed Plan Change 106. Spada is a non-profit, national organisation representing active screen producers, production companies and key service providers to the New Zealand screen industry.

Spada acknowledges the importance of this work as demonstrated by its support of the industry group and as a signatory to the Screen Sector Commitment to Tāmaki Makaurau Iwi and Hapu. Consultation for access to filming on Sites and Places of Significance to Mana Whenua of Tāmaki Makaurau has been a valuable process. Spada has welcomed the opportunity to engage with Mana Whenua and strengthen relationships with hapū and iwi in order to understand any concerns, and how interactions and processes can be improved in the future.

The Sites and Places of Significance include 120 of Tāmaki Makaurau’s most vital filming areas. Spada supports the opportunity for screen productions to access these once again, in compliance with standards to protect and enhance the cultural values of these sites

9.1

Local screen productions in Aotearoa New Zealand are challenged by limited budgets, and within these constraints any additional costs, such as those involved with Resource Consent, can render a project unviable. Proposed change D21.6.4 Temporary activities for filming in public places for up to 30 days will support domestic productions by removing barriers of cost and resource, along with ensuring our international reputation remains intact.

The consultation process and the proposed Plan Change 106 represents a step towards a better future for the screen industry and an opportunity to deepen and strengthen relationships with Mana Whenua. Spada supports the commitments made in Te Takohanga, and this historically

significant step for the sector can be strength that leads the way forward.

Thank you again for the opportunity to make a submission on this crucial issue for Spada members and the screen sector, and we look forward to hearing from you.

Nga mihi,

A handwritten signature in black ink, appearing to read 'Sandy Gildea', with a long horizontal flourish extending to the right.

Sandy Gildea
Executive Director
SPADA / SCREEN PRODUCERS NZ
www.spada.co.nz
M: 021 456 076
E: sandy@spada.co.nz

Screen Sector Commitment to Tāmaki Makaurau Iwi and Hapu Te Takohanga

Waiho i te toipoto, kaua i te toiroa.

Kei ngā maunga e tū kaiora ana, kei ngā awa e rere wheriko ana o tēna mana, o tēna reo, o tēnā iwi.

Ka rere ngā mihi maioha ki a koutou katoa e pupuri nei te ihi, tapu, mana o ō koutou tupuna. Tēnā koutou katoa

Tērā te hira e whakahiapo ana te tūhononga, ā e pupuri ana te whanaungatanga me te korero hoki. Hei awhina, hei tautoko e kauneke ana te waka eke noa.

Ā kāti rā, Turou Hawaiki.

Let us keep close together and not wide apart.

To the mountains that stand majestic, to the river's glistening flow of your status, of your dialect, of your tribe.

Greetings of appreciation flow to you all who maintain the charisma, sacredness and status of your ancestors. Greetings to you all.

Let us acknowledge the importance of keeping connected and maintaining relationships and dialogue. To help, to support us moving forward together.

Therefore, Blessings to us all.

- Tāmaki Makaurau Iwi are the Iwi, hapu and whanau Māori acknowledged as mana whenua of Tāmaki Makaurau – Auckland (list attached)
- Tāmaki Makaurau – Auckland is the geographical area contained within the boundaries of The Super City

The Screen Sector in Aotearoa has a long history of creating screen content such as film, television and advertising in the Tāmaki Makaurau region for the purpose of reflecting our country, our people and our experiences to audiences both here in Aotearoa and internationally. Tāmaki Makaurau is also used as a blank canvas to represent other locations both real and imagined. These activities create jobs and generate cultural and economic benefits through the productions and in the wider community.

New Zealand culture is evolving with a greater consideration and respect of Te Tiriti o Waitangi and Māori perspectives. This is apparent in the current culture of filmmaking in Aotearoa. Growing numbers of Māori, Aotearoa / New Zealand and international film and television creators are telling stories that require cultural authenticity.

Collectively we recognize:

- mana whenua as spiritual and cultural guardians of their whenua and their pūrākau
- that the sector's engagement with Tāmaki Makaurau Iwi to date has been variable and on a project to hapū basis, relying on good faith relationships.
- the sector is maturing in its cultural competency and there is more work to do; and
- that more cohesion, both within the sector itself and between the Screen Sector and iwi Māori, is needed.

We commit:

- to the Iwi of Tāmaki Makaurau
- to work together to strengthen our relationships
- to Tiriti-driven partnerships and collaboration
- to contributing to upholding and enhancing the mana and aspirations of ngā iwi o Tāmaki Makaurau, and all Mana Whenua throughout Aotearoa New Zealand, by honouring Te Tiriti o Waitangi.

The principles underpinning Te Tiriti, by which the Screen Sector can demonstrate its commitment to Te Tiriti are:

- **Tino Rangatiratanga / Self-Determination**
This provides for Māori self-determination and mana motuhake. It requires the Screen Sector to support ‘by Māori for Māori’ approaches and services, and advocate for tino rangatiratanga to be enshrined within the wider industry.
- **Pātuitanga / Partnership**
This presents an opportunity for all parts of the Screen Sector to collaborate with Māori in the design, delivery, and monitoring of our mahi.
- **Mana Taurite / Equity**
The Screen Sector commits to achieving equitable outcomes for Māori through all its functions.
- **Whakamarumarutia / Active Protection**
The Screen Sector seeks to be better informed on the extent and nature of both Māori outcomes and ways to achieve Māori equity through culturally safe practice.
- **Kōwhiringa / Options**
The Screen Sector commits to developing cultural competency and aspiring to undertake operations in a culturally appropriate way that recognizes and supports the expression of Te Ao Māori.

The Screen Sector is financed on a contract/project basis. While every production has different requirements and varying budget levels and resources, there are overarching commitments that the sector as a whole can make to Tāmaki Makaurau Iwi to uphold these principles in our working practice. These include:

- Open, honest and respectful communication – always.
- Early engagement with Tāmaki Makaurau Iwi when considering projects that include significant Māori content with specific hapū stories.

- Engagement with Tāmaki Makaurau Iwi when considering locations that fall within a specific tribal boundary and following iwi approved Screen Auckland processes for film permitting. Where more involved filming in a particular rohe is desired, more extensive engagement will be adopted.
- Make adequate provision in production budgets and schedules for adequate consultation, cultural monitoring, tikanga support - acknowledging that Tāmaki Makaurau Iwi focus is primarily on the wellbeing of their hāpori and not that of a screen production, nor are they resourced to.
- Collaborate in securing resourcing and delivery of cultural competency workshops for screen practitioners.
- Listen/be active in seeking to learn whānau, hapū, iwi aspirations and need and align production practice accordingly.
- Commit to investing in Rangatahi through training, development and employment in the sector.
- Show respect for Te Taiao/the natural environment in our production planning and daily operations.
- Leave No Trace - ensure that all productions leave locations as we found them.
- Continue the relationship on each project all the way through to the release.
- Production Companies to adopt Iwi & Sector developed tikanga protocols outlining best practice and make these available to all cast and crew in their contracts in an effort to ensure individuals share in this commitment to mana whenua.

Signed:

Screen Producers NZ (Spada)
 Ngā Aho Whakaari (NAW)
 Screen Industry Guild NZ (SIGANZ)
 Advertising Producers Aotearoa (APA)
 Women in Film & Television NZ (WIFT NZ)
 New Zealand Cinematographers Society (NZCS)
 Film Auckland
 Stunt Guild of NZ
 Director and Editors Guild of NZ (DEGANZ)
 Equity New Zealand

FORM 5
RESOURCE MANAGEMENT ACT 1991

**Submission on Proposed Plan Change 106: Filming on Sites and Places of
Significance to Mana Whenua to the Auckland Unitary Plan (Operative Part)**

To:

Attention: Planning Technician

Auckland Council

unitaryplan@aucklandcouncil.govt.nz**Name of submitter:**Tūpuna Maunga o Tāmaki Makaurau Authority (**Maunga Authority**)**Introduction**

1. This submission is on Proposed Plan Change 106 (**PC106**) to the Auckland Unitary Plan (Operative in part) (**AUP**). PC106 is a council initiated plan change. The proposed amendments are to Chapter D21 Sites and Places of Significance to Mana Whenua Overlay (**SPSMW**).
2. PC106 is to enable temporary filming activities as a permitted activity on SPSMW that are on council-controlled public places, subject to compliance with standards to protect and enhance the cultural values of these sites.

Maunga Authority

3. The initial part of this submission provides context relating to the role of the Maunga Authority and its documents that support PC106 and the amendments sought in this submission.

Treaty Settlement and Crown acknowledgment

1. In 2014, following five years of Treaty of Waitangi settlement negotiations, 14 Tūpuna Maunga¹ were transferred to the 13 iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau² as part of cultural redress for breaches of the Treaty of Waitangi.

¹ Matukutūruru/Wiri Mountain; Maungakiekie/One Tree Hill; Maungarei/Mount Wellington; Maungauika/North Head; Maungawhau/Mount Eden; Ōhinerau/Mount Hobson; Ōhūiarangi/Pigeon Mountain; Ōtāhuhu/Mount Richmond; Ōwairaka/Te Ahi-kā-a-Rakataura/ Mount Albert; Puketāpapa/Pukewīwī/Mount Roskill; Rarotonga/Mount Smart; Takarunga/Mount Victoria; Te Kōpuke/Tītīkōpuke/Mount St John; Te Tātua a Riukiuta/Big King

² Ngāi Tai ki Tāmaki, Ngāti Maru; Ngāti Pāoa; Ngāti Tamaoho; Ngāti Tamaterā; Ngāti Te Ata; Ngāti Whanaunga; Ngāti Whātua o Kaipara; Ngāti Whātua Ōrākei; Te Ākitai Waiohua; Te Kawerau ā Maki; Te Patukirikiri, Te Rūnanga o Ngāti Whātua.

2. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (**Collective Redress Act**) provided for the Tūpuna Maunga to be vested in the post-settlement governance entity the Tūpuna Taonga o Tāmaki Makaurau Trust for the benefit of the 13 iwi/hapū and people of Auckland.
3. The locations of the Tūpuna Maunga are shown on Figure 1: Locations of Tūpuna Maunga.



Figure 1: Locations of Tūpuna Maunga³

³ Figure from Tūpuna Maunga Intergrated Management Plan Strategies, 2019

Maunga Authority role and responsibilities

4. Part 3 of the Collective Redress Act established the Maunga Authority as an independent statutory co-governance entity for the Tūpuna Maunga. The establishment of the Maunga Authority reflects both the important relationship Mana Whenua have with these sacred places and their importance to, and connection with, all the peoples of Auckland. There is equal representation from Mana Whenua and Auckland Council on the Maunga Authority.
5. In exercising its powers and carrying out its functions under the Collective Redress Act, the Maunga Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the Tūpuna Maunga to Ngā Mana Whenua.⁴

Integrated Management Plan

6. Section 58 of the Collective Redress Act requires the Maunga Authority to prepare and approve an Integrated Management Plan (**IMP**) for land under its administration. The purpose of the IMP is to establish how the Tūpuna Maunga will be cared for, managed and maintained on an integrated basis while also identifying values specific to individual Maunga. The IMP was approved in 2016, following public consultation and engagement with Mana Whenua.
7. The IMP:
 - Sets the direction for future protection, restoration, enhancement and appropriate use of the Tūpuna Maunga
 - Replaces the former separate legacy reserve management plans for the Tūpuna Maunga.
 - Has been developed in accordance with the requirements of the Collective Redress Act and Reserves Act 1977.
8. The IMP sets out Values and Pathways to achieve the integrated outcomes for all the Tūpuna Maunga. The Values provide the tika (correct) framework for the care and protection of the Tūpuna Maunga. The Pathways elaborate and give tangible expression to the Values. They are guiding principles and objectives that set the direction for the Maunga Authority to protect and care for the Tūpuna Maunga and provide a crucial framework for decision-making.
9. Relevant to PC106 are the following Pathways to achieve Wairuatanga/Spiritual and Mana Hononga Tangata/ Living Connection Values in the IMP:
 - Envisage the Tūpuna Maunga as places for people of all cultures to come together and share common aspirations for the protection and restoration of these important landscapes.

⁴ IMP, s109

- Enable mana whenua to be reconnected with the Tūpuna Maunga through cultural activities and to exercise their kaitiakitanga over these sacred places.
 - Ensure cultural activities, operational practices and public activities taking place on the Tūpuna Maunga accord with tikanga.
 - Assist Tūpuna Maunga visitors to understand tikanga Māori, the cultural and historical significance and importance of the Tūpuna Maunga values, and ensure they are culturally safe when visiting the Tūpuna Maunga.
 - Provide for a variety of experiences across the Tūpuna Maunga network (formal and informal) that honour the stories and connections felt.
 - Encourage non-recreational events that broaden the appeal of the Tūpuna Maunga to a diverse population, providing unique spaces for community gatherings and celebrations at an appropriate scale.
 - Allow access for general commercial activities where they are consistent with the Tūpuna Maunga Values.
 - Encourage recreation events that broaden the appeal of the Tūpuna Maunga to our diverse population, providing unique spaces for community gatherings and celebrations at an appropriate scale.
10. Seven Tūpuna Maunga Strategies (**Strategies**) approved in 2019 provide further guidance on implementing the IMP Values.
11. The Education Strategy principles include that:
- The nature of the activities and uses undertaken on the Tūpuna Maunga must reflect, reinforce and appropriately recognise / address the Tūpuna Maunga Values.
 - Preference will be given to events, activities and uses that support ways to rekindle associations with the Tūpuna Maunga, enable an authentic mana whenua presence on the Tūpuna Maunga, and recognise / celebrate the significance of mana whenua historical connections, whakapapa and ancestral names.
 - Activities on the Tūpuna Maunga must inspire reverence, aroha, respect and awareness of the Tūpuna Maunga as treasures. Significant cultural events, for example Matariki and Waitangi Day, should accord with tikanga and enable activities and behaviour which are consistent with the values and mana of the Tūpuna Maunga.
 - The Tūpuna Maunga are a place to host manuhiri (visitors) and educate about appropriate tikanga. Visitor experiences must assist Tūpuna Maunga visitors to understand tikanga

Māori, the cultural and historical significance and importance of the Tūpuna Maunga values, and ensure they are culturally safe when visiting the Tūpuna Maunga. All uses and activities on the Tūpuna Maunga should be undertaken in accordance with appropriate tikanga practice and reflect the multiple narratives, cultural meaning and connections felt and expressed among all people of Tāmaki Makaurau over the Tūpuna Maunga.

12. The use of a variety of engagement techniques and methods are anticipated. This may include open days such as Love Your Maunga days. These events are organised by the Maunga Authority. They include stalls, music and waiata. They can attract thousands of people.
13. Developing a programme of engagement and special events across the Tūpuna Maunga network is recognised as a key component of achieving the Education Strategy.

The Maunga Authority submission on PC106

Temporary activity for filming on SPSMW administered by the Maunga Authority

14. Three SPSMW apply to all or part of Matukutūruru / Wiri Mountain, Maungauika / North Head, and Te Pane o Mataoho / Māngere Mountain.⁵ The section 32 Evaluation states it is anticipated that additional Tūpuna Maunga could be scheduled through future plan changes.⁶
15. PC106, as drafted, exclude Tūpuna Maunga administered by the Maunga Authority. This is because the wording proposed for permitted activity (A3A) refers to Temporary activities for filming in public places (underlying for emphasis).
16. Chapter J1 Definitions defines a public place.

Public place

Has the same meaning as defined in the Trading and Events in Public Places Bylaw 2015:

- any place that, at any material time, is owned, managed, maintained or controlled by the council or council controlled organisation and is open to or, being used by the public, whether free or on payment of a charge. It includes any road, footpath, public square, grass verge, berm, public gardens, reserves and parks, beaches, wharves, breakwaters, ramps and pontoons, foreshore and dunes, access ways, recreational grounds and sports fields.
17. The Trading and Events in Public Places Bylaw 2015 has been replaced by the Te Ture ā-Rohe Tauhokohoko Whakahaerenga me te Tango Kiriata Tūmatanui 2022/ Public Trading, Events and

⁵ SPSMW ID 035, 030 and 071. Sturges Park is a Tūpuna Maunga administered by the Maunga Authority as stated at paragraph 109 of the section 32 Evaluation of the plan change.

⁶ Section 32 Evaluation, paragraph 109

Filming Bylaw 2022 (**Bylaw**). This Bylaw applies to council-controlled public places and specifically excludes land administered by the Maunga Authority.

council-controlled public place means

(a) a place that is owned, managed, maintained or controlled by council or a council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and

(b) to avoid doubt –

(i) includes any park, reserve, recreational ground, sports field, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, ramp, pontoon, road, footpath, access way, grass verge, berm, and any part of those places; and

(ii) excludes any place under the control of the Tūpuna Maunga o Tāmaki Makaurau Authority.

18. The Maunga Authority has in place an approval process for events and filming on the Tūpuna Maunga. PC106 will not affect specific requirements for filming on Tūpuna Maunga. This approval process is coordinated with Tātaki Auckland Unlimited and Screen Auckland permit process.
19. The Maunga Authority seeks an amendment to PC106 to include land administered by the Maunga Authority. The amendments sought are in Attachment 1 to this submission.

Other temporary activities on the land administered by the Maunga Authority

20. The plan change only addresses temporary activities for filming.
21. For the reasons detailed earlier in this submission, there are other temporary activities such as concerts, fairs, festivals and events, and special events on land administered by the Tūpuna Maunga Authority that are envisaged, encouraged and provided for on the Tūpuna Maunga in the IMP and Strategies. This is sufficient information to support the amendment proposed by the Maunga Authority. This amendment is consistent with section 74(2)(b) of the RMA which requires that the Council have regard to the IMP as a management plan and strategy prepared under other another Act.

Decision sought

22. The Maunga Authority seeks the following decision from Auckland Council on PC106:

- a. The provisions of PC106 be confirmed or amended to address the matters raised in this submission and Attachment 1.
- b. Any other alternative or consequential relief to give effect to this submission.

10.1

23. The Maunga Authority could not gain an advantage in trade competition through this submission.
24. The Maunga Authority wishes to be heard in support of this submission.
25. If others make a similar submission, the Maunga Authority will consider presenting a joint case with them at the hearing.



Dominic Wilson
Te Taihu Waka Tairanga Whenua / Manager Co-governance
Tūpuna Maunga Authority
Dated 31 October 2024

Address for service of submitter:

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Attachment 1

Table 1: Specific provisions which the Maunga Authority supports, seeks amendment to, or opposes

Amendments proposed by the Maunga Authority shown in underlined and ~~struck through~~ text

Relevant provision	Support or oppose	Reasons for submission	Decision sought			
Table D21.4.1 Activity table (A3A)	Support, subject to amendments	Temporary activity for filming on Tūpuna Maunga should be provided for as a permitted activity subject to standards to manage effects on the values of the site and place.	(A3A)	Temporary activities for filming in public places <u>or land administered by the Tūpuna Maunga Authority</u> for up to 30 days that comply with Standard D21.6.4	P	10.2
Table D21.4.1 Activity table (A3B)	Seek amendment	The amendment provides for a limited number of temporary activities that support the pathways for achieving values in the IMP.	(A3B)	<u>Temporary activities for concerts, fairs, festivals and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days that comply with Standard D21.6.5</u>	P	10.3
D21.6. Standards D21.6.4	Support, subject to amendments	Temporary activity for filming on Tūpuna Maunga should be provided for as a permitted activity subject to standards to manage effects on the values of the site and place.	D21.6.4 Temporary activities for filming in public places <u>or on land administered by the Tūpuna Maunga Authority</u> for up to 30 days (1) Any temporary activity for filming in a public place <u>or on land administered by the Tūpuna Maunga Authority</u> must: (a) Be no more than 30 days; (b) not involve any land disturbance; and			10.4

Relevant provision	Support or oppose	Reasons for submission	Decision sought
			<p>(c) be in accordance with a site plan and special conditions, <u>including those required by the Tūpuna Maunga Authority where on land administered by the Tūpuna Maunga Authority</u>, approved under an Auckland Council Film Permit to;</p> <ul style="list-style-type: none"> i. confirm that Mana Whenua have been informed of the filming activity, including with regard to any Treaty Settlements that relate to the site; ii. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity; iii. maintain access for customary activities throughout filming; and iv. apply tikanga as informed by Mana Whenua.
<p>D21.6. Standards</p> <p><u>D21.6.5</u></p>	Seek amendments	The Maunga Authority seeks an additional amendment to provide for a limited number of temporary activities that support the pathways for achieving values in the IMP.	<p><u>D21.6.5 Temporary activities for concerts, fairs, festivals and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days</u></p> <p><u>(1) Any temporary activity for concerts, fairs, festivals and events must:</u></p> <ul style="list-style-type: none"> (a) <u>be no more than six consecutive days;</u> (b) <u>not involve any land disturbance;</u> (c) <u>be undertaken by or under the direction of the Tūpuna Maunga Authority</u> (d) <u>maintain access for customary activities; and</u> (e) <u>apply tikanga as informed by integrated Management Plan and Strategies.</u>

10.5

10.6

ATTACHMENT 6

RECOMMENDATIONS ON SUBMISSIONS

Attachment 6 – Table of recommendations on submissions

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Planners Recommendations
1.1	Tia Barrett	Approve the plan change without any amendments	Accept in part
2.1	Steep Street Film	Approve the plan change without any amendments	Accept in part
3.1	Rob Bavin	Approve the plan change without any amendments	Accept in part
4.1	Richard Waite	Approve the plan change without any amendments	Accept in part
4.2	Richard Waite	Clarify what would qualify as ground disturbance	Reject
5.1	Barry Sutherland Smith	Approve the plan change without any amendments	Accept in part
5.2	Barry Sutherland Smith	Clarify what would qualify as ground disturbance or remove D21.6.4 clause (b)	Reject
6.1	Advertising Producers Aotearoa	Approve the plan change without any amendments	Accept in part
7.1	Ngāti Whātua Ōrākei Trust	That Ngāti Whātua Ōrākei's ahi kā and mana whenua status within the 'heartland' of their rohe is recognised and provided for in the relevant provisions proposed to Chapter D21 of the AUP(OP) through PC106, and that their reo and identity is seen heard and provided for in any filming on sites and places of significance that Ngāti Whātua Ōrākei are the tangata whenua of	Reject
7.2	Ngāti Whātua Ōrākei Trust	That only the hapū or iwi with the strongest relationship to the filming location (as defined in the proposed Note and amendments to Standard D21.6.4) should be engaged with for filming activities on identified SSMW	Reject
7.3	Ngāti Whātua Ōrākei Trust	Oppose PC106, unless the amendments outlined in Ngāti Whātua Ōrākei's submission are incorporated	Reject
7.4	Ngāti Whātua Ōrākei Trust	Retain the notified version of permitted activity standard applying to "Temporary activities for filming in public places for up to 30 days" and clarification that the filming activities must "be no more than 30 days" as set out in the notified Standard D21.6.4(1)(a).	Accept
7.5	Ngāti Whātua Ōrākei Trust	Insert new Standard D21.6.4(c) "be in accordance with any requirements provided by the hapū or iwi with the strongest relationship to the filming location" [results in consequential change to numbering]	Reject
7.6	Ngāti Whātua Ōrākei Trust	Amend new clause (d) to incorporate changes to subclauses (i), (ii) and (iv) to include the specific requirement that only the "appropriate" or "correct" hapū, and iwi which are recognised as "tangata whenua" and with the strongest relationship to the SSMW are engaged with on any proposals for development within identified SSMW. Refer to marked up changes in Attachment 2 of the submission.	Reject
7.7	Ngāti Whātua Ōrākei Trust	Amend Standard D21.6.4 to insert the following new subclause (d): "Note: the hapū or iwi with the strongest relationship is the local hapū or iwi which is the tangata whenua of the place where the filming is to be undertaken, on the basis of take tūpuna (ancestral rights and obligations), take raupatu (the taking of land through traditional warfare), and tuku whenua (traditional gifting of land) which demonstrates mana i te whenua and ahi kā (continuous and unbroken occupation and use of	Reject

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Planners Recommendations
		land and sea)."	
7.8	Ngāti Whātua Ōrākei Trust	Retain the requirement to "consult" as opposed to "inform" on the filming activity in the notified version of Standard D21.6.4(c)(i).	Accept
7.9	Ngāti Whātua Ōrākei Trust	Remove reference to "Iwi Film Protocol" and "Iwi Planning document" in Standard D21.6.4(c)(ii). Filming in SSMW to be consistent with any requirements provided by the hapū or iwi with the strongest relationship to the filming location, including any cultural impact assessment prepared for the filming activity.	Reject
7.10	Ngāti Whātua Ōrākei Trust	If the amendments sought in submission points above are not incorporated into D21.6.4, the PC106 be declined and the requirement for resource consent as a restricted discretionary activity for temporary filming activities on SSMW is retained	Reject
7.11	Ngāti Whātua Ōrākei Trust	Request the power to determine applications for filming be transferred to the hapū or iwi with the strongest relationship to the filming location as per Option 5 in Attachment 5 to PC106 - Evaluation of Options.	Reject
8.1	Ngā Aho Whakaari	Approve the plan change without any amendments	Accept in part
9.1	Spada Screen Producers New Zealand	Supports the opportunity for screen productions to access these (sites and places of significance) once again, in compliance with standards to protect and enhance the cultural values of these sites	Accept
10.1	Tūpuna Maunga o Tāmaki Makaurau Authority	The provisions of PC106 be confirmed or amended to address the matters raised in this submission and Attachment 1 (refer to the submission)	Accept in part
10.2	Tūpuna Maunga o Tāmaki Makaurau Authority	Amend activity (A3A) in Table D21.6.1 Activity Table to include "or land administered by the Tūpuna Maunga Authority" as a permitted activity.	Accept
10.3	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	Insert new activity (A3B) into Table D21.4.1 Activity Table as follows: "Temporary activities for concerts, fairs, festivals and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days that comply with Standard D21.6.5".	Out of scope
10.4	Tūpuna Maunga o Tāmaki Makaurau Authority	Amend proposed Standard D21.6.4 by adding "or on land administered by the Tūpuna Maunga Authority" to the heading and first sentence in (1).	Accept
10.5	Tūpuna Maunga o Tāmaki Makaurau Authority	Amend proposed Standard D21.6.4 (c) by adding "including those required by the Tūpuna Maunga Authority where on land administered by the Tūpuna Maunga Authority".	Accept
10.6	Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)	Insert new "Standard D21.6.5 Temporary activities for concerts, fairs, festival and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days (1) Any temporary activity for concerts, fairs, festivals and events must: (a) be no more than six consecutive days; (b) not involve any land disturbance; (c) be undertaken by or under the direction of the Tūpuna Maunga Authority; (d) maintain access for customary activities; and (e) apply tikanga as informed by integrated Management Plan and Strategies".	Out of scope

ATTACHMENT 7

RECOMMENDED AMENDMENTS TO PLAN CHANGE

Notified amendments are identified as black text underlined.

Recommended amendments are identified as red text underlined.

D21. Sites and Places of Significance to Mana Whenua Overlay

D21.1. Background

The Sites and Places of Significance to Mana Whenua Overlay applies to sites and places that have been scheduled and protected for their significance to Mana Whenua. A schedule of the sites and places of significance is provided in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule. Sensitive information regarding the significance of the sites and places to Mana Whenua may be subject to special protocols.

Sites and places of significance to Mana Whenua have tangible and intangible cultural values in association with historic events, occupation and cultural activities. Mana Whenua values are not necessarily associated with archaeology, particularly within the highly modified urban landscape where the tangible values may have been destroyed or significantly modified.

Mana Whenua are aware of many other sites and places that may be equally or more significant, and acknowledge there may be shared interests over scheduled locations. It is intended to identify further sites and places nominated by Mana Whenua through future plan changes including those identified through other legislation.

Some sites and places of significance to Mana Whenua may also be scheduled as historic heritage. These sites and places are identified in Schedule 14 Historic Heritage Schedule, Statements and Maps.

PC 78 ([see
Modifications](#))

[new text to be inserted]

D21.2. Objective [rcp/dp]

- (1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.
- (2) Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.

D21.3. Policies [rcp/dp]

- (1) Avoid the physical destruction in whole or in part of sites and places of significance during earthworks.
- (2) Avoid significant adverse effects on the values and associations of Mana Whenua with sites and places of significance to them.

- (3) Require subdivision, use and development, where adverse effects on sites and places of significance cannot practicably be avoided, to remedy or mitigate those adverse effects by:
- (a) enhancing the values of the scheduled site or place of significance and the relationship of Mana Whenua with their tāonga, commensurate with the scale and nature of the proposal;
 - (b) incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;
 - (c) recognising and providing for the outcomes articulated by Mana Whenua through an assessment of environmental effects with Mana Whenua and within iwi planning documents;
 - (d) demonstrating consideration of practicable alternative methods, locations or designs that would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; and
 - (e) demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.
- (4) Reflect within the development the relationship of the scheduled site or place of significance within the context of the wider local history and whakapapa.
- (5) Recognise that some activities may have such significant adverse effects on Mana Whenua values that they are culturally inappropriate when considering the nature of the scheduled site or place of significance and associated values.
- (6) Manage the adverse effects of subdivision where scheduled sites and places of significance to Mana Whenua are split into multiple land parcels.
- (7) Provide incentives to encourage the protection and enhancement of scheduled sites and places of significance to Mana Whenua.
- (8) Recognise that the intangible values of sites or places of significance can be protected and enhanced even where the site or place has been significantly modified or destroyed.
- (9) Enable existing network utilities and electricity generation facilities on sites and places of significance including:
- (a) use and operation; and

- (b) minor upgrading, maintenance and repair in a manner that avoids, where practicable, or otherwise remedies or mitigates adverse effects on cultural values.
- (10) Avoid where practicable the use of scheduled sites and places of significance to Mana Whenua for new infrastructure where this affects cultural values.
- (11) Require an assessment of environmental effects where proposed works may have adverse effects on the values associated with sites or places of significance to Mana Whenua.

D21.4. Activity table [rcp/dp]

Table D21.4.1 Activity table specifies the activity status of land use and development pursuant to section 9(3) of the Resource Management Act 1991, subdivision pursuant to section 11 of the Resource Management Act 1991 and works, occupation or activity in the coastal marine area pursuant to sections 12(1), 12(2) or 12(3) of the Resource Management Act 1991.

Schedule 12 Sites and Places of Significance to Mana Whenua Schedule identifies sites and places where this section applies. Schedule 12 Sites and Places of Significance to Mana Whenua Schedule also identifies sites and places of significance that have intangible values associated with historic events, occupation and cultural activities that do not necessarily contain archaeology, where the site exception rule applies.

Table D21.4.1 Activity table [rcp/dp]

Activity		Activity status
Development		
(A1)	Non-invasive archaeological survey	P
(A2)	Minor work for the purpose of preserving or maintaining scheduled sites and places of significance to Mana Whenua	P
(A3)	Temporary activities	RD
(A3A)	Temporary activities for filming in public places <u>or land administered by the Tūpuna Maunga Authority for up to 30 days that comply with Standard D21.6.4</u>	<u>P</u>
(A4)	Disturbance in the coastal marine area	D
(A5)	New buildings and structures	D
(A6)	Alterations and additions to existing buildings where the building footprint is increased	D
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]

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[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
Land Disturbance		
Refer to the rules in E11 Land disturbance – Regional (this includes Standard E11.6.1 Accidental discovery rule) and E12 Land disturbance – District (this includes Standard E12.6.1 Accidental discovery rule)		
Infrastructure		
Refer to the rules in E26 Infrastructure		
Subdivision		
(A7)	Subdivision that results in a site or place of significance to Mana Whenua extending across multiple lots	D

D21.5. Notification

- (1) Any application for resource consent for an activity listed in Table D21.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

D21.6. Standards

All activities listed as a permitted activity in Table D21.4.1 Activity table must comply with the following permitted activity standards.

D21.6.1. Accidental discovery rules

- (1) Refer to the Accidental discovery rules in:
 - (a) [E11 Land disturbance – Regional](#) - [Standard E11.6.1 Accidental discovery rule](#)); and
 - (b) [E12 Land disturbance – District](#) - [Standard E12.6.1 Accidental discovery rule](#).

D21.6.2. Non-invasive archaeological survey

- (1) Minor earthworks or disturbance of the coastal marine area to define the location or extent of archaeological sites of features:
 - (a) must not be undertaken in areas where archaeological remains are evident, or known to be present. If during the investigation

archaeological material is encountered, that material must not be disturbed or removed;

- (b) must conform to accepted archaeological practice;
- (c) must be undertaken with a probe not exceeding a diameter of 10mm, or a spade. Mechanical tools must not be used;
- (d) spade holes must not exceed 250mm x 250mm in size;
- (e) after completion of works, the ground must be reinstated to at least to the condition existing prior to any works starting; and
- (f) must be undertaken in the presence of a mandated Mana Whenua representative unless confirmed by Mana Whenua in writing that this is not required.

D21.6.3. Minor work for the purpose of preserving or maintaining scheduled sites and places of significance to Mana Whenua

- (1) Minor works for the purpose of maintaining scheduled sites and places of significance to Mana Whenua must be undertaken in the presence of a mandated Mana Whenua representative (except for routine maintenance of grounds, including gardening, buildings and structures) unless confirmed by Mana Whenua in writing that this is not required.

D21.6.4 Temporary activities for filming in public places or on land administered by the Tūpuna Maunga Authority for up to 30 days

- (1) Any temporary activity for filming in a public place or on land administered by the Tūpuna Maunga Authority must:
 - (a) be no more than 30 days;
 - (b) not involve any land disturbance;
 - (c) be in accordance with a site plan and special conditions, including those required by the Tūpuna Maunga Authority where land on land administered by the Tūpuna Maunga Authority, approved under an Auckland Council Film Permit to:
 - i. confirm that Mana Whenua have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site;
 - ii. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity;

- iii. maintain access for customary activities throughout filming;
and
- iv. apply tikanga as informed by Mana Whenua.

D21.7. Assessment – controlled activities

There are no controlled activities in this section.

D21.8. Assessment – restricted discretionary activities

D21.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) the effects of the proposal on the values and associations of Mana Whenua with the site or place, including effects on the context of the local history and whakapapa.
- (2) the nature, location, design and extent of the proposal.
- (3) the purpose and necessity for the works and any alternatives considered.
- (4) the provisions of any relevant iwi planning document.

D21.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) Policies D21.3(1), D21.3(2) and D21.3(3).
- (2) the extent to which the proposal:
 - (a) provides for the relationship of the site or place with Mana Whenua in the context of local history and whakapapa, if appropriate, through:
 - (i) the design and location of proposed structures;
 - (ii) landscaping and vegetation including removal and replanting; and
 - (iii) landform and modification.
 - (b) recognises the benefits derived from the upgrading of existing infrastructure to the community and the functional and operational needs of the network.
 - (c) considers the appropriate location of temporary activities to avoid, remedy or mitigate adverse effects on values and associations of Mana Whenua with the site or place.

D21.9. Special information requirements

There are no special information requirements in this section.

